





*CORRECTION SLIP*

At pages 155 and 558 of the Bombay Legislative Council Debates, Volume XXI, *for* "The Honourable Mr. J. E. B. Hotson" *read* "The Honourable Mr. J. L. Reiu."

In the list of members present published at page 279 *ibid*, *delete* "Owen, Mr. A. C."; and after "Pradhan, Mr. R. G." *insert* "Rahimtoola, Mr. Hoosenally M."

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held at the Council Hall, Poona, on Thursday, the 29th  
September 1927, at 2 p.m.**

- I. OATH OR AFFIRMATION OF ALLEGIANCE TO THE CROWN.**
- II. NOMINATION OF FOUR CHAIRMEN BY THE PRESIDENT.**
- III. QUESTIONS AND ANSWERS.**
- IV. GOVERNMENT BILLS.**

(1) Bill No. III of 1927 (A Bill to provide for the establishment and better regulation of cotton markets in the Bombay Presidency)—Second Reading.

Notices of amendments \* have been received from—

- (i) Rao Sahab D. R. Patil, M.L.C.
- (ii) Mr. H. V. Pataskar, M.L.C.
- (iii) Rao Bahadur S. T. Kambli, M.L.C.
- (iv) Mr. R. S. Asavale, M.L.C.
- (v) Rao Bahadur R. R. Kale, M.L.C.
- (vi) The Honourable Mr. G. B. Pradhan, M.L.C.
- (vii) Major W. Ellis Jones, M.L.C.
- (viii) Mr. F. J. Ginwalla, M.L.C.
- (ix) Mr. M. G. Bhosale, M.L.C.

(2) Bill No. XXI of 1927 (A Bill to amend the law relating to the University of Bombay)—Second Reading.

Notices of amendments \* have been received from—

- (i) Mr. R. G. Pradhan, M.L.C.
- (ii) Rao Bahadur R. R. Kale, M.L.C.
- (iii) The Honourable Dewan Bahadur Harilal D. Desai, M.L.C.
- (iv) Mr. H. Hamill, M.L.C.
- (v) Mr. Balak Ram, I.C.S., M.L.C.
- (vi) Mr. K. M. Munshi, M.L.C.
- (vii) Mr. F. J. Ginwalla, M.L.C.
- (viii) Mr. B. V. Jadhav, M.L.C.
- (ix) Mr. R. S. Asavale, M.L.C.

(3) Bill No. II of 1927 (A Bill further to amend the Bombay Land Revenue Code, 1879)—First Reading.

Notices of amendments \* have been received from—

- (i) Mr. L. M. Deshpande, M.L.C.
- (ii) Rao Bahadur R. R. Kale, M.L.C.

(4) Bill No. XVI of 1927 (A Bill to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land)—First Reading.

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\* Printed as appendix to this Agenda.

Notices of amendments \* have been received from—

(i) Mr. A. D. Sheth, M.L.C.

(ii) Mr. L. M. Deshpande, M.L.C.

(iii) Rao Bahadur R. R. Kale, M.L.C.

(5) Bill No. XVIII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888)—First Reading.

(6) Bill No. XXII of 1927 (A Bill to amend the Mahul Creek [Extinguishment of Rights] Act, 1922)—First Reading.

(7) Bill No. XXX of 1927 (A Bill further to amend the Bombay Children Act, 1924)—First Reading.

(8) Bill No. XXXI of 1927 (A Bill to amend the Bombay Primary Education Act, 1923)—First Reading.

(9) Bill No. XXXII of 1927 (A Bill further to amend the Bombay Public Conveyances Act, 1920)—First Reading.

(10) Bill No. XXXIII of 1927 (A Bill further to amend the Bombay District Police Act, 1890)—First Reading.

(11) Bill No. XXXV of 1927 (A Bill further to amend the Bombay Port Trust Act, 1879)—First Reading.

#### V. DEMANDS FOR SUPPLEMENTARY GRANTS.

#### VI. GOVERNMENT RESOLUTION :

*Resolution by the Honourable Dewan Bahadur Harilal Desai*  
*Desai.*

"This House recommends to Government to incur an expenditure up to Rs. 1,73,270, which sum includes the donation of Rs. 30,000 from the Executors of the late Bai Awabai Framji Petit for building a new Parsi Women's Block at the Central Hospital for Mental Diseases, Yeravda, as detailed in the printed statement laid on the table."

#### VII. PRIVATE BILLS :

(1) Bill No. XII of 1927 (A Bill further to amend the Bombay Abkari Act, 1878)—First Reading—Rao Saheb D. R. Patil, M.L.C.

(2) Bill No. XXIII of 1927 (A Bill further to amend the Gujarat Talukdars' Act, 1888)—First Reading—Mr. J. C. Swaminarayan, M.L.C.

(3) Bill No. XXIV of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—First Reading—Mr. L. M. Deshpande, M.L.C.

(4) Bill No. XXV of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888)—First Reading—Mr. R. S. Asavale, M.L.C.

(5) Bill No. XXVI of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888)—First Reading—Mr. S. K. Bole, M.L.C.

(6) Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888)—First Reading—Mr. Syed Munawar, M.L.C.

(7) Bill No. XXVIII of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—First Reading—Mr. H. V. Pataskar, M.L.C.

(8) Bill No. XXIX of 1927 (A Bill further to amend the Bombay City Municipalities Act, 1925)—First Reading—Mr. J. C. Swaminarayan, M.L.C.

(9) Bill No. XXXIV of 1927 (A Bill further to amend the Bombay City Municipalities Act, 1925)—First Reading—Mr. B. G. Pahalajani, M.L.C.

(10) A Bill to amend the Bombay Pleaders Act, 1920—Motion for leave to introduce the Bill—Mr. N. B. Chandrachud, M.L.C.

(11) A Bill further to amend the Bombay Local Boards Act, 1923—Motion for leave to introduce the Bill—Mr. J. C. Swaminarayan, M.L.C.

(12) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Mr. J. C. Swaminarayan, M.L.C.

(13) A Bill further to amend the City of Bombay Police Act, 1902—Motion for leave to introduce the Bill—Mr. J. C. Swaminarayan, M.L.C.

(14) A Bill further to amend the Bombay Hereditary Offices Acts, 1874, 1886 and 1923—Motion for leave to introduce the Bill—Rao Bahadur R. R. Kale, M.L.C.

(15) Maternity Benefit Bill—Motion for leave to introduce the Bill—Mr. R. S. Asavale, M.L.C.

#### VIII. MOTION TO AMEND STANDING ORDERS.

Motion No. III \* of 1927—By Mr. J. C. Swaminarayan, M.L.C.

#### IX. MOTIONS † UNDER STANDING ORDER XII, 6, TO PRESENT ADDRESSES TO HIS EXCELLENCY THE GOVERNOR :

*By Mr. R. G. Pradhan, M.L.C.*

##### I

That the following humble address be presented to His Excellency the Governor of Bombay :—

“ May it please Your Excellency,—

We, the members of the Bombay Legislative Council, respectfully pray that Your Excellency may be pleased to appoint immediately standing committees of the Legislative Council as recommended by the Joint Parliamentary Committee on the Government of India Bill, 1919, in paragraph 10 of their report on the Bill.”

##### II

That the following address be presented to His Excellency the Governor of Bombay :—

“ May it please Your Excellency,—

We, the members of the Bombay Legislative Council, respectfully pray that Your Excellency may be pleased to appoint immediately Council Secretaries as provided for under section 62 (4) of the Government of India Act.”

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\* Printed as appendix to this Agenda.

† Adjourned at the last session.

## X. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.\*

*Resolution † by Mr. K. F. Nariman, M.L.C.*

“ This Council recommends to Government that a committee consisting of the following gentlemen be appointed to examine in all its aspects the primary and secondary education now prevailing in the Presidency with a view—

- (a) (i) to co-ordinate and reorganise the same on modern lines ;
- (ii) to reduce the number of years taken up by the courses of primary and secondary education ;
- (iii) to consider these courses with the object of removing the duplication of studies in vernacular and English ;
- (iv) to introduce manual and vocational courses ; and
- (v) to consider the steps for introducing compulsory medical inspection and physical training in primary and secondary schools ;
- (b) to consider the question of the cost of the revised schemes with special reference to the funds available at present, and to explore the ways and means to raise further funds ;
- (c) to report on such other matters germane to the above questions as may be considered necessary :—

1. Dewan Bahadur Harilal D. Desai, Minister of Education.
2. The Director of Public Instruction.
3. The Rev. Father J. Duhr, S.J., D.D., Ph.D., Principal, St. Xavier's College, Bombay.
4. Dr. B. R. Ambedkar, M.L.C., Bar.-at-Law.
5. K. B. Marzban, Esquire, B.A., Principal, the New High School, Bombay.
6. K. M. Munshi, Esquire, B.A., LL.B., M.L.C., Advocate.
7. J. C. Swaminarayan, Esquire, M.A., M.L.C.
8. V. H. Anklesaria, Esquire, Principal, the Elphinstone High School, Bombay.
9. M. R. Paranjpye, Esquire, Secretary, Shikshana Prasarak Mandal, Poona.
10. Dr. K. G. Naik, M.A., D.Sc., F.I.C., Professor of Chemistry, Baroda College.
11. P. R. Chikodi, Esquire, M.L.C.
12. Noor Muhammad Muhammad Sujawal, Esquire, M.L.C.
13. F. J. Ginwalla, Esquire, M.L.C.
14. Rao Bahadur R. R. Kale, M.L.C.
15. Natvarlal G. Majmudar, Esquire, M.L.C.
16. Moulvi Rafiuddin Ahmad, M.L.C., Bar.-at-Law.
17. Principal S. C. Shahani, M.A., D. J. Sind College, Karachi.
18. A. M. Kajiji, Esquire, B.A., LL.B., Bar.-at-Law.
19. S. C. Joshi, Esquire, M.A., LL.B., M.L.C.

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\* Resolutions are arranged according to the order determined by ballot.

† Adjourned at the last session.



*Resolution by Mr. K. F. Nariman, M.L.C.*

1. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this Presidency and to suggest means for their uplift and amelioration."

*Resolutions by Mr. V. N. Jog, M.L.C.*

1. "This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction."

2. "This Council recommends to Government to move the Government of India to create a new linguistic province for the Karnatak, uniting the Kannada speaking parts of the Bombay and Madras Presidencies and Coorg."

3. "This Council recommends to Government that 2 lacs of rupees should be provided for minor irrigation works and sinking of wells in those parts of the Dharwar District such as Navalgund and Nargund where scarcity of water for drinking purposes is felt and where on account of want of or deficient rain, frequent failure, total or partial, of crops occurs."

4. "This Council recommends to Government that a committee with a non-official majority and with a non-official Chairman be appointed to enquire into the economic condition of the members of the co-operative societies under the Co-operative Societies Act and to suggest remedies for its improvement, and to enquire further whether sound co-operative principles are observed in working the societies and to suggest ways and means for improvement."

5. "The Council recommends to Government that steps should be taken forthwith to give full effect to the recommendations made in the minority report of Sir M. Visvesvaraya's committee on technical education and that the necessary provision be made in the next year's budget for that purpose."

6. "This Council recommends to Government that in order to enable the cultivators to sell their produce without undue haste and to secure proper price for it, the dates of revenue payments in the various talukas of the presidency be shifted forward by one month."

7. "This Council recommends to the Governor in Council to take immediate steps to introduce legislation to give effect to the recommendations contained in the Arthur-Bodas Report on the Deccan Agriculturists' Relief Act."

8. "This Council recommends to Government to represent to the Government of India that two more elective seats should be assigned to the Dharwar Non-Muhammadan Rural Constituency."

*Resolutions by Dr. M. K. Dixit, M.L.C.*

1. "This Council is of opinion that the rules regarding the use of text-books in recognized schools in the Bombay Presidency have been found unsatisfactory and recommends that Government be pleased to modify them on the following lines :—

(1) Headmasters should be allowed full discretion in the selection and use of text-books, library and prize books in their schools, the Education Department having a veto, which should be exercised on moral and political grounds and should state the objections against any book in detail.

(2) As regards the suitability of a book from the educational point of view, the Department should have the power of recommendation only.

(3) That the headmasters of recognised schools should not be required to make a declaration, in their annual return to the Department, to the effect that they use only sanctioned books."

2. "This Council recommends to Government that the revised land revenue assessment in the Chorasi and Bardoli talukas of the Surat District, sanctioned by Government, shall not be given effect to."

3. "This Council recommends to Government to raise a sufficient loan to give grants and loans to the various local bodies for the construction and improvement of drainage works, water works, road and bridges."

4. "This Council recommends to Government to remit the land revenue in all the flood-affected areas of Gujarat for the year 1927-28 and to make an early announcement to that effect, so as to afford relief to the feelings of the affected agriculturists."

5. "This Council recommends to Government to instruct their revenue officers to regard the soil damaged on account of floods as uncultivable waste land and free it from all assessment charges until reclaimed."

6. "This Council recommends to Government to appoint a committee consisting of officials and non-officials, with a non-official majority, to thoroughly investigate the economic evils caused by the floods to the agriculturists for the purpose of assessing the extent and nature of the various kinds of damage suffered by them and to suggest concrete measures for rehabilitating their economic power."

*Resolutions by Mr. H. B. Shivdasani, M.L.C.*

1. "This Council recommends to Government that the revision settlements recently introduced in the Chorasi and Bardoli talukas of the Surat district should not be given effect to until the principles of revision settlements are put on a statutory basis by the amendment of the Bombay Land Revenue Code to be brought before the Legislative Council shortly, as it will lead to great injustice to the poor cultivators of these

two talukas if action is taken on revision settlement proposals based on the old principles."

2. "This Council recommends to Government that the work of the revision settlement of the Chikhli taluka of the Surat district should be suspended till the principles of revision settlements are put on a statutory basis by the amendment of the Bombay Land Revenue Code."

3. "This Council recommends to Government that the work of land revenue revision settlements should be entirely suspended till the principles of revision settlements are put on a statutory basis by an amendment of the Bombay Land Revenue Code and that till this is done no fresh revision settlements should be introduced anywhere in the Bombay Presidency."

4. "This Council recommends to Government that the portion of the Provincial road from Sisodra to Matwad (Chikhli taluka) which is entirely Katcha should be metalled immediately."

5. "This Council recommends to Government that the portion of the Bombay-Ahmedabad road lying within the Surat district be completed within one year by metalling all the Katcha portions of this road and by constructing bridges and causeways over all the unbridged rivers and channels on the road."

6. "This Council recommends to Government that in view of the bad state of the roads in the Surat district and of the fact that the financial circumstances of the District Local Board, Surat, do not permit it to maintain the roads in a good condition, Government should give a special grant of rupees one lakh in each of the next five years for the purposes of construction and improvement of the roads in the Surat District."

7. "This Council recommends to Government that in view of the agricultural, commercial and industrial importance of Gujarat and Ahmedabad and in view of their contribution to the Provincial and Central exchequer a Provincial road be constructed from Bombay to Ahmedabad by completing all the gaps in this road and by constructing bridges and causeways over all the unbridged rivers and channels within the next five years."

8. "This Council recommends to Government that looking to the importance of Gujarat from an industrial, commercial and agricultural point of view early steps should be taken to provide a good net work of roads in all the districts of Gujarat."

9. "This Council recommends to Government that an amount of Rs. 3,66,400 which represents the difference between the receipts from himayat assessment on tanks in the Surat district for the ten years 1913-14 to 1922-23, viz., Rs. 4,37,166 and the amount spent on the repair of those tanks in the same period, viz., Rs. 70,766, be spent in the next three years on the special repair of tanks in the Surat district."

10. "This Council recommends to Government that for the better conduct of the Criminal and Revenue administration of the Bombay Presidency the following changes should be made :—

(1) Revenue officers should exercise no powers under the laws relating to crimes.

(2) The Prant Officers, that is Sub-divisional officers, should be abolished, the Collector being given a personal assistant where necessary.

11. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials including experts in irrigation be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage scheme and to make the necessary suggestions for the prosecution, curtailment or modification of the said scheme."

12. "This Council recommends to Government that a committee with a three-fourths non-official majority be appointed to consider and report on the following matters : —

(a) What cottage industries are best suited to the conditions prevailing in this Presidency (including Sind) ?

(b) What are the best means of introducing such cottage industries and of encouraging their growth and expansion so as to bring them within the easy reach of every villager ? "

13. "This Council recommends to Government that Revenue Commissionerships should be abolished."

14. "This Council recommends to Government that in future the amount spent in any year on the repair of tanks in a district should not be less than the amount realised as Himayat (water-rate) assessment from the tanks of that district in that year."

15. "This Council recommends to Government that a bridge be constructed over the river Aurang near Bulsar, district Surat, in the near future, as there is very heavy traffic across it and it is held up for several hours at every tide."

16. "This Council recommends to Government that in order to improve the health of Mandvi all forest trees up to a distance of five miles from Mandvi, district Surat, be cut down."

17. "This Council recommends to Government that within two months of the close of every session of the Bombay Legislative Council Government should announce what action they have taken or propose to take on all resolutions or motions passed by the Council at such session."

18. "This Council recommends to Government that as the rules regarding the use of text books in recognised schools in the Bombay Presidency have been found unsatisfactory in working, the following changes should be made in them :

1. Headmasters of secondary schools should be allowed full discretion in the selection and use of text-books, library and prize books in

their schools, the Education Department having a veto, which should be exercised on moral and political grounds and should state the objections against any book in detail.

2. As regards the suitability of a book from the educational point of view, the Department should have the power of making recommendations only."

19. "This Council recommends to Government that in view of the unprecedented and heavy losses sustained by the cultivators, Government should remit the land revenue assessment in all the affected talukas of Gujarat and that an immediate announcement should be made to this effect."

20. "This Council recommends to Government that in view of several areas of cultivable land in Gujarat having been rendered useless for cultivation, a survey should be made of all those fields which have been rendered useless for cultivation by the deposit of sand, stones, etc., and steps taken to treat such lands as uncultivable pot kharaba and to permanently remit their assessments."

*Resolutions by Mr. B. T. Desai, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to the Governor in Council and acting with Ministers that, in view of the increasing unemployment and poverty of the middle and rural classes of the Presidency, he will be pleased, with the help of a committee of experts and in the light of the reports of the Industrial Commission of 1916-1918, the Bengal Government Unemployment Report, the External Capital Committee's Report, and the Sir Visvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

*Resolutions by Mr. Haji Ibrahim Jitekar, M.L.C.*

1. "This Council strongly recommends to the Governor in Council that immediate steps be taken to construct a pier at Mora Bunder in Panvel Taluka one of the harbour ports of Bombay for the convenience of the public as assured by the Revenue Member during his visit to the place in November last and re-affirmed by him in the Bombay session of the Legislative Council."

2. "This Council recommends to Government to take early steps to prohibit music before mosques in all parts of the Presidency by issuing necessary circulars to the Collectors of districts and other local authorities with a view to avoid conflict between the Hindus and Moslems."

*Resolutions by Rao Bahadur R. R. Kale, M.L.C.*

1. "This Council recommends to Government to adopt the principle of joint electorates in all elected bodies and to press upon the attention

of the Government of India and other authorities, including the Parliamentary or Royal Commission responsible for the statutory inquiry into the Indian constitution, the desirability and necessity of abolishing the principle of communal electorates in the legislatures as harmful to the growth of democracy, subject, if necessary, to safeguards like the reservation of seats on population bases for a definite period of years."

2. "This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction."

3. "This Council recommends to the Governor in Council and acting with Ministers that in view of the increasing unemployment and poverty of the middle and rural classes of this Presidency, he will be pleased with the help of a committee of experts and in the light of the reports of the Industrial Commission of 1916-18, the Bengal Government Unemployment Report, the External Capital Committee's Report and the Sir Visvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

4. "This Council recommends to the Governor in Council to take immediate steps to introduce legislation to give effect to the recommendations contained in the Arthur-Bodas Report on the Deccan Agriculturists Relief Act."

5. "This Council recommends to the Governor in Council to be pleased to direct that all purchases for the requirements of every department under the Government of Bombay shall be made by open tenders being called in India in rupees for delivery in India."

*Resolution by Sir Vasant Rao Dabholkar, Kt., M.L.C.*

1. "This Council recommends to the Governor in Council that the present system of auctioning liquor shops in the Bombay Presidency be discontinued and that Government should adopt such measures for the disposal of liquor shops as will ensure a legitimate revenue."

*Resolutions by Mr. A. D. Sheth, M.L.C.*

1. "This Council recommends to Government to represent to the Government of India the desire of this Council that the Northern Frontier Cordon should be removed as soon as possible, and the necessity of appointing as soon as possible a commission to inquire into the circumstances which enabled goods imported through certain Kathiawar ports to compete with goods imported through other ports, at places where it is believed, they could not have so competed; and further to communicate to the Government of India the opinion of this Council that any arrangements which involve the payments of annual grants to the Kathiawar States would be prejudicial to the interests of the British Indian taxpayer."

2. "This Council recommends to the Government that they should declare the policy of State recognition and State encouragement to the Indian systems of medicine and appoint a committee to inquire and report what steps should be taken to put such a policy into practice."

3. "This Council recommends to the Government to appoint a committee with a non-official majority to inquire into the grievances of talukdars and inamdars on the one hand and their rayots on the other hand in talukdari and inami villages in Gujarat and to report what should be done by legal enactments or otherwise to see that both of them receive fair and just treatment."

4. "This Council recommends to the Government to appoint a committee to inquire into the conditions of the village roads of the Ahmedabad District in the monsoon and to report what should be done to help the villagers in the matter."

5. "This Council recommends to Government to exempt all the Rajput Grashiyas from taking a license for carrying swords as the carrying of a sword is considered synonymous with their religion."

*Resolutions by Mr. Hoosenally M. Rahimtoola, M.L.C.*

1. "This Council recommends to Government to take steps to amend the rules and the Standing Orders so that the first reading of a private Bill can be moved on its being introduced in the same way as a Government Bill."

2. "This Council recommends to Government to take measures to check the increase of gambling on the race courses by abolishing the totalisator, by inserting stringent terms in the license to the Turf Club reducing the number of racing days and the number of races on each day, by exercising greater control over the Turf Club, by curtailing the facilities given to the race-goers and by such other steps as may be deemed necessary."

*Resolutions by Mr. G. I. Patel, M.L.C.*

1. "This Council recommends to Government to appoint a committee consisting of the following gentlemen to scrutinise, examine and investigate the details of all estimates, orders, purchases, payments, output of machine work and all other works and establishments of the Sukkur Barrage Scheme and to submit a report within three months along with their recommendations in regard to the future operations, modifications or curtailments of programme from the financial, economical and other points of view :—

1. Sir Visvesvaraya, K.C.I.E., D.Sc., M.I.C.E.
2. Sir Purshotamdas Thakordas, Kt., M.L.A.
3. Lalji Naranji, Esq., M.L.C.
4. Hooseinbhoj A. Lalljee, Esq., M.L.C.
5. The Honourable Sir Cowasji Jehangir (General Member)."

2. "This Council recommends to Government to appoint a committee consisting of the following gentlemen to examine the expenditure incurred in the different departments including the services, Provincial and Subordinate, and to make recommendations for abolishing such of the posts as they deem fit and for curtailing the scale of pay, allowances and other kinds of emoluments wherever necessary :—

1. Sir Visvesvaraya, K.C.I.E., D.Sc., M.I.C.E.
2. Sir Purshotamdas Thakurdas, Kt., M.L.A.
3. H. B. Shivdasani, Esq., M.A., M.L.C.
4. Hooseinbhoj A. Lalljee, Esq., M.L.C.
5. Rao Saheb Dadubhai P. Desai, M.L.C.
6. B. G. Pahalajani, Esq., B.A., LL.B., M.L.C.
7. J. A. Shillidy, Esq., I.C.S. (as Secretary)."

3. "This Council recommends to Government that within two months of the close of every session they would be pleased to announce what action they have taken or propose to take on each of the decisions of the Council arrived at during that session."

4. "This Council recommends to Government that the manner in which replies are sometimes given to questions put to Government by honourable members of the House should be made more satisfactory."

*Resolutions by Mr. K. M. Munshi, M.L.C.*

1. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this Presidency and to suggest means for their uplift and amelioration."

2. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the various grievances and sources of discontent among the Tenantry of the Talukdars and Inamdars of Gujarat and to suggest measures for redressing them."

3. "This Council recommends to Government that the revised Land Revenue assessments in the Chorasi and Bardoli talukas of the Surat District, sanctioned by Government, should not be given effect to "

*Resolutions by Mr. R. S. Asavale, M.L.C.*

1. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of Labour thereon to investigate and report upon the best way of improving the condition of the textile workers in the Bombay Presidency with special reference to the system of recruitments, hours of work, system of leave, wages, housing, insurance and maternity benefit."

2. "This Council recommends to the Governor in Council to compel by legislation those local authorities which have up to now failed to



prepare and submit schemes for the purpose of introducing free and compulsory education in their respective districts to do so."

3. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

*Resolutions by Mr. F. J. Ginwalla, M.L.C.*

1. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to enquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

2. "This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the Depressed Classes in the Presidency and to recommend measures for their betterment."

3. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage Scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said Scheme."

4. "This Council recommends to the Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

5. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

6. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

7. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the presidency and to allot a fair proportion of the said revenue to this presidency."

8. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the presidency it is necessary to maintain a separate department for labour as before and that the said department be separated from the department of the Information Bureau."

9. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

10. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

11. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the presidency."

12. "This Council recommends to Government that they be pleased to direct the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Depôt Lines within the limits of the Karachi Cantonment be withdrawn."

13. "This Council recommends to the Governor in Council and acting with Ministers that, in view of the increasing unemployment and poverty of the middle and rural classes of the Presidency, he will be pleased, with the help of a committee of experts and in the light of the reports of the Industrial Commission of 1916-1918, the Bengal Government Unemployment Report, the External Capital Committee's Report, and the Sir Visvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

14. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

15. "This Council recommends to Government that the revised land revenue assessment in the Chorasi and Bardoli talukas of the Surat district, sanctioned by Government, shall not be given effect to."

16. "This Council recommends that the Governor in Council be pleased to direct that all purchases for the requirements of every department under the Government of Bombay shall be made by open tender being called in India in rupees for delivery in India."

17. "This Council recommends to the Governor in Council to increase the number of elected Indian Trustees of the Board of the Port Trust of Bombay from seven to twelve."

18. "This Council recommends to the Governor in Council that all schemes involving capital expenditure exceeding one lac of rupees should be considered by a committee of the Council and sanctioned by the Council before they are launched."

19. "This Council recommends to Government not to close the Secondary Teachers' Training Colleges at Ahmedabad and Dharwar."

20. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Behar and Orissa, the Central Provinces and the United Provinces, etc., with the budget grant of not less than Rs. 5 lacs, and with a competent and experienced Director of Industries as its head."

21. "This Council recommends to Government to reinstate Mr. F. E. Bharucha as Director of Industries for three years in view of his long and

varied experience of the various industries of the presidency as appears from his annual report for 1925-26 as was done in the case of Mr. K. S. Framji who retired from the Public Works Department on account of his superannuation but was reappointed as Chief Engineer in the Development Department."

22. "This Council recommends to Government to provide for the clerical and menial staff of the Educational Department in the Southern Division in some other department of Government in view of their long and faithful service in the event of Government's inability to induce the school boards of the Southern Division to take up the said clerical and menial staff."

23. "This Council recommends to Government to appoint a committee of inquiry with a non-official majority to inquire into and report upon the working of the Development Department under Mr. Harvey."

*Resolutions by Mr. B. V. Jadhav, M.L.C.*

1. "This Council recommends to Government to give up their right to teak, sandal and blackwood trees growing in private lands to the owners in such districts in which the right has still been retained by Government."

2. "This Council recommends to Government to appoint a committee to enquire into the grievances of the cultivators of talukdari, inamdari and khоти villages of the Bombay Presidency and to propose legislation for their removal."

*Resolutions by Mr. R. G. Pradhan, M.L.C.*

1. "This Council recommends to Government to establish the convention, as recommended in the Montagu-Chelmsford report, that on the subjects transferred to the control of Ministers the official members of the Legislative Council should abstain from voting and leave the decision of a question relating to any such subject that may come up before the Council to the non-official members of the Council."

2. "This Council recommends to Government to give effect to the recommendations of the Land Revenue Assessment Committee as regards the appointment of a standing Advisory Committee and the powers of the Legislative Council in the matter of revision settlement proposals, as embodied in paragraphs 44-B and 45 of their report."

3. "This Council recommends to Government that the conditions imposed on Mr. V. D. Savarkar before his release from prison should be removed forthwith."

*Resolutions by Mr. Haji Mir Mahomed Baloch, M.L.C.*

1. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and to report upon the soundness or otherwise of the Sukkur Barrage scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."

2. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

3. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

4. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

5. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income tax revenue of the presidency and allot a fair proportion of the said revenue to this presidency."

6. "This Council recommends to Government that a Commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

7. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the presidency it is necessary to maintain a separate department for labour as before and that the department be separated from the Department of the Information Bureau."

8. "This Council recommends to Government that a committee with non-official majority may be appointed at an early date to inquire into the problem of unemployment in the presidency and in Karachi and Bombay in particular and to suggest ways and means for meeting the said problem."

9. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

10. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the presidency."

11. "This Council recommends to Government that they be pleased to direct that the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Depôt Lines within the limits of the Karachi Cantonment be withdrawn."

12. "This Council recommends to the Governor in Council to make a strong representation to the Railway Board to take in hand the work of construction of the Karachi-Bombay broad gauge railway immediately by making provision of a sufficient amount in the next year's budget."

13. "This Council recommends to the Governor in Council to direct that immediate steps be taken to increase the hospital accommodation in Karachi."

14. "This Council recommends to Government to introduce legislation for the registration and licensing of money-lenders on the lines of the Money-lenders Bill recently passed in the Punjab Legislative Council so as to protect the interests of the agricultural and working classes in matters of fabricated accounts and usurious rate of interest."

15. "This Council recommends to Government that within two months of the close of every session they would be pleased to announce what action they have taken or propose to take on each of the decisions of the Council arrived at during that session."

16. "This Council recommends to Government that the manner in which replies are sometimes given to questions put to Government by honourable members of the House should be made more satisfactory."

*Resolutions by Rao Sahab D. R. Patil, M.L.C.*

1. "This Council recommends to Government that the High Court Pleaders' examination be held henceforth subject to the same rules and conditions that were in force prior to the recent notification appearing in the *Bombay Government Gazette*, that has the effect of partly cancelling and partly modifying the said rules and conditions to the immense detriment of the interests of candidates appearing for the High Court Pleaders' examination."

2. "This Council recommends to Government that no talati be kept in service at one place for more than three years."

3. "This Council recommends to Government that graduates of the Bombay University of the standing of two years be made eligible to vote for the University seat for this Legislative Council."

4. "This Council recommends to Government to take steps to get an overbridge made over the railway gate-way on the Chalisgaon-Dhulia road in the neighbourhood of Chalisgaon G. I. P. Railway station in East Khandesh in the interests of the public."

5. "This Council recommends to Government to appoint a committee of the members of this Council with a non-official majority to enquire into the defects in the working of the Primary Education Act of 1923 and to suggest remedies to Government to remove them."

*Resolutions by Mr. M. D. Karki, M.L.C.*

1. "This Council approves the orders of Government in their Revenue Department Resolution No. 7324/24, dated 19th July 1927, on the recommendations contained in the report of the non-official members of the Forest Grievances Enquiry Committee of 1925 with regard to some of the main and distressing forest grievances of the ryots of the Presidency and strongly recommends to them that such of the recommendations of the non-officials which are not given effect to be forthwith given effect to."

2. "This Council recommends to Government to recommend to the Government of India to form the Karnatak into an independent province on a linguistic basis with an executive and legislative council."

3. "This Council recommends to Government that a bridge or a high level causeway be constructed on the Badagani river at the Badagani ferry in the Honavar taluka in the district of Kanara."

4. "This Council recommends to Government that a bridge or a high level causeway be built across the Venkatapur river at the Venkatapur ferry in the Bhatkal Petha of the Kanara district."

5. "This Council recommends to Government that an experienced officer belonging to the Bombay Karnatak be appointed forthwith to study the financial, geographical and other questions involved for forming the British Karnatak into a separate province on a linguistic basis and to make a report thereon to them."

*Resolutions by Mr. S. C. Joshi, M.L.C.*

1. "This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the Depressed Classes in the Presidency and to recommend measures for their betterment."

2. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this Presidency and to suggest means for their uplift and amelioration."

*Resolutions by Mr. S. K. Bole, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the Depressed Classes in the Presidency and to recommend measures for their betterment."

3. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this Presidency and to suggest means for their uplift and amelioration."

4. "This Council recommends to Government that a committee be appointed to consider a scheme for establishing a Bombay Presidency Workmen's Welfare Fund with the co-operation of municipal and other local bodies and various kinds of employers in the Presidency to be spent for the benefit of the workmen in organised industries."

5. "This Council recommends to Government to introduce a Money-lenders Bill for protecting the interests of the agricultural and working classes."

6. "This Council recommends to Government to reduce the rents of the Development chawls at Worlee to Rs. 3 per month for the tenants of the working classes."

7. "This Council recommends to Government to reduce the rents of the Development chawls at DeLisle Road to Rs. 6 per month."

8. "This Council recommends to Government to construct a bridge over the Kolamb Creek near Malwan in the Ratnagiri district."

9. "This Council recommends to Government to amend the Bombay Municipal Act so as to make the constitution of the schools committee representative of all interests as in the mofussil municipalities and local boards."

10. "This Council recommends to Government to appoint at an early date a committee of officials and non-officials to enquire how far the co-operative credit movement has succeeded in improving the economic condition of the agriculturists and to make recommendation for the removal of the defects noticed and also to suggest measures for the further development of non-credit co-operative societies."

11. "This Council recommends to Government to appoint local conciliatory boards of Hindus and Mahomedans in various parts of the presidency with a view to settle local disputes."

12. "This Council recommends to Government to urge upon the Central Government the necessity of making the orders relating to the recruitment of the backward classes in the Government service applicable to clerical and non-clerical posts in the Customs, Postal, Income Tax, Accountant General's office and other establishments in the presidency which are under the Central Government."

13. "This Council recommends to Government that the orders relating to the recruitment of the backward classes to posts of clerks be made applicable to non-clerical posts under the local Government."

14. "This Council recommends to Government that early effect be given to the unanimous recommendations of the non-official members of the Forest Grievances Enquiry Committee."

15. "This Council recommends to Government to establish a civil court in the northern part of the city of Bombay for deciding minor civil suits."

16. "This Council recommends to Government to start a fund for giving relief through the Provincial Baby Week Committee to ill-fed and ill-clothed infants of the backward and depressed classes."

17. "This Council recommends to Government to introduce a simple and cheap system of legal procedure in connection with High Court suits and to do away with the offices of solicitors."

18. "This Council recommends to Government that a grant equal to two-thirds of the expenditure incurred on account of rent, establishment and other charges for the maintenance of hostels for boys of the backward and depressed classes receiving primary education, whether started by associations, institutions or individuals, may be awarded as an incentive to start new institutions for the uplift of the masses."

*Resolutions by Mr. Rajmal Lakkichand, M.L.C.*

1. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this presidency and to suggest means of their uplift and amelioration."

2. "This Council invites the immediate attention of Government to the discontent caused by the coercive measures taken by Government for recovery of increased assessment in the Alibag taluka of the Kolaba district and recommends to Government to refund the said increased assessment, fine and notice fees."

3. "This Council recommends to Government that immediate provision be made to carry out the resolution of the Council regarding the salaries of primary teachers, which was passed by the Honourable House on the 5th August 1926 without a division."

4. "This Council recommends to the Governor in Council that the following animals shall not be slaughtered at any slaughter house constructed or opened or licensed by any municipality :—

- (a) any animal which is pregnant or in milk,
- (b) all breeding bulls,
- (c) all useful and agricultural animals except sheep and goats."

5. "This Council recommends to the Governor in Council to take at an early date the following steps for the adequate provision of pasture lands in this presidency :—

(1) to earmark and utilise all savings under the Cattle Trespass Act for purchase of pasture lands ;

(2) to exempt from assessment all lands devoted or to be devoted for grazing purposes or cultivation of fodder crops ;

(3) to acquire at the cost of the State adequate pasture lands in each village and town under the Land Acquisition Act ;

(4) to adopt such measures for this purpose as may be expedient and necessary according to the requirements of different localities."

*Resolutions by Mr. H. J. Amin, M.L.C.*

1. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this presidency and to suggest means for their uplift and amelioration."

2. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the various grievances and sources of discontent among the Tenantry of the Talukdars and Inamdars of Gujarat and to suggest measures for redressing them."

*Resolutions by the Thakor of Kerwada, M.L.C.*

1. "This Council recommends to His Excellency the Governor in Council that all expenditure sanctioned for the Bombay Development



and Sukkur Barrage schemes should be utilised for the relief of the distressed during the recent disaster caused by the flood in Gujarat, and for reconstruction of villages destroyed, and a large amount may be placed at the disposal of the district local boards in Gujarat for repairs and reconstruction of roads, bridges, culverts, school houses and other sanitary works in the affected area."

2. "This Council recommends to Government that the revised land revenue assessments in the Chorasi and Bardoli Talukas of the Surat District sanctioned by Government, shall not be given effect to."

*Resolutions by Mr. J. C. Swaminarayan, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government that magisterial powers should not be given to talukdars or inamdars in their villages."

3. "This Council is of opinion that the rules regarding the use of text-books in recognised schools in the Bombay Presidency have been found unsatisfactory in working and recommends that Government be pleased to modify them on the following lines:—

1. Head masters should be allowed full discretion in the selection and use of text-books, library and prize-books in their schools, the Education Department having a veto, which should be exercised on moral grounds and should state the objection against any book in detail;

2. As regards the suitability of a book from the educational point of view, the Department should have the power of making recommendations only;

3. That the head masters of recognised schools should not be required to make a declaration, in their annual return to the Department, to the effect that they use only sanctioned books."

4. "This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in the Ahmedabad and Viramgam riots of 1919 and to release them forthwith."

5. "This Council recommends to Government that the refreshment room foreign liquor license granted to Messrs. E. R. Fanibanda & Sons of Ahmedabad be immediately cancelled."

6. "This Council recommends to Government that the 'off' foreign liquor license of Messrs. E. R. Fanibanda & Sons of Ahmedabad, cancelled from the 1st April 1927, but temporarily revived for six months, shall be closed permanently as soon as the temporary period of extension expires."

7. "This Council recommends to Government that in view of the fact that there are more foreign liquor licenses than country liquor licenses in Ahmedabad, no further foreign liquor license be granted in

future and the policy of reducing the number of foreign liquor licenses be gradually adopted."

8. "This Council recommends to Government to recommend to the Government of India to amend Rule 5 of Part II of Schedule V of the Bombay Electoral Rules so as to declare the hiring, employment, borrowing or use of private conveyances for the purposes of election as a corrupt practice."

9. "This Council recommends to Government that the fees for the several kinds of forest produce, including grazing fees, which have been recently increased, be brought to their original level."

10. "This Council recommends to Government that the present practice of indiscriminate slaughter of cattle be discontinued and that rules be at once framed and enforced throughout the province for stopping the slaughter of—

- (a) animals which are pregnant or in milk ;
- (b) all cows ;
- (c) breeding bulls, draught and plough bulls and bullocks ;
- (d) all animals (other than sheep or goats) which are under the age of nine years ;

and that the existing laws on the subject be so amended as to give effect to this resolution."

11. "This Council recommends to Government to take all necessary steps for the development of the Ayurvedic and Unani systems of medicine."

12. "This Council recommends to Government that an Ayurvedic and Unani College be established at a convenient place in the Presidency."

13. "This Council recommends to Government not to enforce, in any of the talukas of this Presidency, enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years."

14. "The Council recommends to Government that the liquor shop at Saraspur, a suburb of Ahmedabad, which is situated in front of the well of the suburb, be forthwith removed from its present location."

15. "This Council recommends to Government to amend the orders passed in Government memorandum No. 2939-N, dated 27th March 1924, Public Works Department, and exempt local board officials and servants from paying tolls on provincial roads, in the same way as Government servants have been exempted from paying tolls on local fund roads."

16. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

17. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage

scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."

18. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

19. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

20. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

21. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency so that a fair proportion of the said revenue should be allotted by the Government of India to this Presidency."

22. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the Presidency it is necessary to maintain a separate Department of Labour as before and that the said Department be separated from the Department of the Information Bureau."

23. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reform on the lines pursued in the West and in America."

24. "This Council recommends to Government that a Committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for solving the said problem."

25. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

26. "This Council recommends to Government to appoint a Retrenchment Committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the Presidency."

27. "This Council recommends to Government that in order to enable the cultivators to sell their produce without undue haste and to secure proper price for it the dates of revenue payments in the various talukas of the presidency be shifted forward by one month."

28. "This Council recommends to Government that in order to enable the labouring population to exercise the right of franchise, the day of general elections be declared a public holiday for labourers working in all the factories regulated by the Factory Act."

29. "This Council recommends to Government that a committee of non-official and official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each district on an equitable basis and to discontinue the present method of making these grants."

30. "This Council recommends to Government to reinstitute the classes for the third year trained teachers and to re-start the training schools that have been stopped."

31. "This Council recommends to Government to appoint a committee of non-official and official members to consider the possibility of creating posts of lady doctors at suitable centres."

32. "This Council recommends to Government to amend the Agriculturists' Loans Act in such a manner as to enable Government to advance tagavi loans to the tenants of Talukdari estates, whether the Talukdars stand securities for them or not."

33. "This Council recommends to Government that they should not charge any interest on tagavi loans granted to the afflicted cultivators of Gujarat whose crops were destroyed by heavy rainfall and flood."

34. "This Council recommends to Government to appoint a Committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the depressed classes in the presidency and to recommend measures for their betterment."

35. "This Council recommends to Government that they may be pleased to direct that all purchases for the requirements of every department under the Government of Bombay shall be made by open tender being called in India in rupees for delivery in India."

36. "This Council recommends to the Governor in Council to increase the number of elected Indian trustees of the Board of the Port Trust of Bombay from seven to twelve."

37. "This Council recommends to Government that they should immediately spend two crores of rupees from the Famine Insurance Fund for the rehabilitation of the cultivators of those regions of Gujarat which have been devastated by heavy rainfall and floods in the month of July 1927."

38. "This Council recommends to Government to abolish the joint bond system of granting tagavi loans to cultivators and to introduce in its place the system of granting tagavi loans on the security of the lands of the cultivators."

39. "This Council recommends to Government that in view of the fact that Viramgam taluka suffered from heavy rainfall and floods just after the issue of the notification of the Collector of the Ahmedabad District on the 18th July 1927, inviting objections to the proposed increase of the land revenue in that taluka, Government should increase the period of two months within which the notification required

the khatedars to submit their objections to the Collector to six months."

40. "This Council recommends to Government that they should supply the reports of every committee appointed in virtue of a resolution of the Legislative Council and Government Resolutions thereon to all the Members of the Legislative Council."

41. "This Council recommends to Government that in view of the awful devastation and untold distress to the cultivators of Gujarat caused by heavy rainfall and floods in the months of July and August of 1927, Government should as a matter of humanity and grace remit the land revenue in all the affected talukas of Gujarat for the year 1927-28 and should immediately make an announcement to that effect so as to allay the harrowed and distressed feelings and fears of the lakhs of sorely afflicted poor agriculturists."

42. "This Council recommends to Government that the revised land revenue assessments in the Chorasi and Bardoli Talukas of the Surat district, sanctioned by Government, shall not be given effect to."

43. "This Council recommends to His Excellency the Governor in Council that all expenditure sanctioned for the Bombay Development and Sukkur Barrage schemes should be utilized for the relief of the distressed during the recent disaster caused by the floods in Gujarat and for reconstruction of villages destroyed, and a large amount may be placed at the disposal of the district local boards in Gujarat for repairs and reconstruction of roads, bridges, culverts, school houses and other sanitary works in the affected area."

44. "This Council recommends to the Governor in Council that all schemes involving capital expenditure exceeding one lac of rupees should be considered by a committee of the Council and sanctioned by the Council before they are launched."

45. "This Council recommends to Government that in view of the fact that the recent destructive floods have caused extensive damage to the soil in nearly all parts of Ahmedabad, Broach, Kaira and Panch Mahals districts, rendering the soil unfit for cultivation for several years as the expenses for improvement cannot be afforded by the cultivators, Government should estimate the total acreage of soil rendered agriculturally unproductive and valueless and devise measures for improvement and reclamation of the ruined soils of the devastated talukas of the districts above mentioned."

46. "This Council recommends to Government to appoint immediately a special agricultural officer of high equipments to accomplish a detailed and scientific survey of the soils of the districts of Gujarat devastated by the recent floods and to order the revenue department to free those ruined soils which have been rendered wholly uncultivable from all assessment charges."

*Resolutions by Rao Bahadur S. N. Angadi, M.L.C.*

1. "This Council recommends to Government to move the Government of India to create a new linguistic province for the Karnatak

uniting the Kannada speaking areas of the Bombay and Madras Presidencies and Coorg."

2. "This Council recommends to Government that the minor sons of deceased Sanadis should be permitted to give substitutes for them until the attainment of majority by them for rendering Sanadi service to Government."

*Resolutions by Mr. Lalji Naranji, M.L.C.*

1. "This Council recommends to Government that they be pleased to direct that all purchases for the requirements of every department under the Government of Bombay shall be made by open tender being called in India in rupees for delivery in India."

2. "This Council recommends to the Governor in Council to increase the number of elected Indian Trustees of the Board of the Port Trust of Bombay from seven to twelve."

3. "This Council recommends to the Governor in Council that all schemes involving capital expenditure exceeding one lac of rupees should be considered by a Committee of the Council and sanctioned by the Council before they are launched."

*Resolutions by Khan Saheb Abdul Latif Haji Hajrat Khan, M.L.C.*

1. "This Council recommends to Government that they may be pleased to open an Anglo-Urdu middle school at Sholapur immediately."

2. "This Council recommends to the Governor in Council that the water from the Ekruk Tank at Sholapur should be given immediately to the agriculturists as far as 26 miles of the present perennial canal for the kharif and rabi crops."

*Resolutions by Mr. J. R. Patel, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khоти villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government that the revised land revenue assessments in the Chorasi and Bardoli talukas of the Surat district, sanctioned by Government, shall not be given effect to."

*Resolutions by Mr. J. B. Desai, M.L.C.*

1. "This Council recommends to Government that the revised land revenue assessments in the Chorasi and Bardoli talukas of the Surat District, sanctioned by Government, shall not be given effect to."

2. "This Council recommends to His Excellency the Governor in Council that all expenditure sanctioned for the Bombay Development and Sukkur Barrage schemes should be utilized for the relief of the distressed during the recent disaster caused by the floods in Gujarat, and for reconstruction of villages destroyed, and a large amount may be placed at the disposal of the district local boards in Gujarat for repairs and reconstruction of roads, bridges, culverts, school houses and other sanitary works in the affected area."

*Resolution by Rao Saheb R. V. Vandekar, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

*Resolutions by Mr. W. S. Mukadam, M.L.C.*

1. "This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the Depressed Classes in the Presidency and to recommend measures for their betterment."

2. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this Presidency and to suggest means for their uplift and amelioration."

3. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the various grievances and sources of discontent among the Tenantry of the Talukdars and Inamdars of Gujarat and to suggest measures for redressing them."

*Resolutions by Mr. H. V. Pataskar, M.L.C.*

1. "This Council recommends to Government that immediate provision be made to meet the resolution of this Council regarding the salaries of primary school teachers passed by this honourable House on the 5th August 1926 without division."

2. "This Council disapproves of the resolution issued by the Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with unofficial members of this Council before it is submitted to the Government of India for sanction."

3. "This Council recommends to Government that the exemption granted by Government to the Daoodi Borah community (one of the principal Mussalman communities) from the operation of the Wakf Act should now be withdrawn in view of the fact that the Muslim community has expressed general satisfaction at the working of a large number of Moslem charitable institutions to whom the Wakf Act has been applied."

4. "This Council recommends to Government that in making appointments of honorary magistrates in the mofussil, the Sessions Judge of the District in which such an appointment is to be made should be consulted and that in no case should a person without sufficient educational qualifications and knowledge of law be appointed as an honorary magistrate."

5. "This Council recommends to Government to take early steps to stop all gambling on the race-course in this Presidency."

6. "This Council recommends to Government to introduce early legislation for recasting or repealing the Deccan Agriculturists' Relief Act which has become unnecessary and unsuited to the present conditions."

7. "This Council recommends to Government to make a substantial increase in the remuneration paid to police patils as the remuneration paid to them at present is most inadequate."

8. "This Council recommends to Government to make sufficient provision for military training in secondary schools and colleges."

9. "This Council recommends to Government to appoint a committee consisting of officials and non-officials with a non-official majority to inquire into and report on the present state of primary education in the Presidency with special reference to the working of the Primary Education Act."

*Resolutions by Mr. L. M. Deshpande, M.L.C.*

1. "This Council recommends to Government that a committee with a non-official majority be appointed to inquire into and revise where necessary and submit for sanction the Bombay Canal Rules of 1922 to His Excellency the Governor of Bombay."

2. "This Council recommends to Government that the increased assessment in the new revision imposed and collected in talukas in which the provisions laid down in Government Resolution No. 1447, dated 27th February 1901, have not been followed should be refunded."

3. "This Council recommends to Government that boundary marks of every survey number should be earthen as before, stones being used only on the bends."

*Resolutions by Mr. N. G. Majmudar, M.L.C.*

1. "This Council recommends to Government that water be given from the Ekruk tank at Sholapur for rabi and kharif irrigation to fields situated on the left and right bank canals."

2. "This Council recommends to Government that they should appoint at an early date a fully qualified Indian as Director of Industries."

3. "This Council recommends to Government that an Industrial and Technical school be started at an early date at Sholapur."

4. "This Council recommends to Government to appoint a committee with a non-official majority to investigate the possibilities of creating a Cotton Reserve (a reserve stock of cotton) in times of abundant crop and low prices, in order that the agriculturists may be ensured a fair value for the cotton every year."

5. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this Presidency and to suggest means for their uplift and amelioration."



6. " This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the various grievances and sources of discontent among the Tenantry of the Talukdars and Inamdars of Gujrat and to suggest measures for redressing them. "

7. " This Council recommends to the Governor in Council and acting with Ministers that, in view of the increasing unemployment and poverty of the middle and rural classes of the Presidency, he will be pleased. with the help of a committee of experts and in the light of the reports of the Industrial Commission of 1916-1918, the Bengal Government Unemployment Report, the External Capital Committee's Report, and the Sir Visvesvaraya Committee's Report to adopt the necessary measures for remedying the present evil."

*Resolutions by Khan Saheb A. M. Mansuri, M.L.C.*

1. " This Council recommends to Government that in the sale of firewood trees by Government in the Ahmedabad district payment of the price should be allowed to be made by instalments."

2. " This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

3. " This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in the Ahmedabad and Viramgam riots of 1919 and to release them forthwith."

*Resolutions by Mr. M. G. Bhosle, M.L.C.*

1. " This Council recommends to Government that immediate provision be made to carry out the resolution of the Council regarding the salaries of primary teachers, which was passed by the Honourable House on 5th August 1926 without a division."

2. " This Council, while thanking Government for what they have done to carry out the recommendations of the Forest Grievances Inquiry Committee by their Resolution No. 7324/24. Revenue Department, dated 19th July 1927, recommends to Government to give immediate effect to all the recommendations, unanimously made by the non-official members on the committee in their majority report, especially the recommendations about the reduction of grazing and other fees."

3. " This Council recommends to Government to introduce a Bill to prevent Saldars from committing breaches of their agreements of service."

4. " This Council recommends to Government to remove the dam on the river Panjara near the old distillery buildings at Dhulia, as it is unnecessary and is a menace to the city of Dhulia on account of sand having been accumulated in the bed of the river, which causes great floods with comparatively little rain."

*Resolutions by Moulvi Rafiuddin Ahmad, M.L.C.*

1. "This Council recommends to His Excellency the Governor in Council that the prisoners who are at present undergoing their sentences in connection with the case known as the 'Malegaon Riot Case of 1921' be all released and the unexpired portion of their sentences be remitted."

2. "This Council recommends to Government immediately to rescind the recent Government Resolution approving the continuance of Mr. Mehta as the administrative officer of the Surat School Board till the result of the next election and the formation of the new school board, as the same is *ultra vires*, in accordance with the opinion of the Advocate General as expressed in Government Resolution No. 3651 of the Educational Department dated the 15th May 1926."

3. "In view of the fact that a large number of Mahomedan students are annually refused admission into the Anglo-Urdu High School, Poona, owing to the maximum number in the first standard class being fixed by the Educational Department, this Council recommends to Government to accord immediate sanction for the duplication of classes in the lower standards of that school and to provide the necessary funds for the same."

4. "With reference to the resolution passed at the session of the Council held in October 1925 at Poona for the establishment of an Anglo-Urdu middle school for girls at Poona, this Council recommends to Government immediately to redeem the pledge given to the Council by the Education Minister on that occasion."

*Resolutions by Dr. M. D. Gilder, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khоти villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to the Governor in Council and acting with Ministers that, in view of the increasing unemployment and poverty of the middle and rural classes of the Presidency, he will be pleased, with the help of a committee of experts and in the light of the reports of the Industrial Commission of 1916-1918, the Bengal Government Unemployment Report, the External Capital Committee's Report, and the Sir Visvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

*Resolutions by Rao Bahadur B. R. Naik, M.L.C.*

1. "This Council recommends to Government that the revised land revenue assessments in the Chorasi and Bardoli talukas of the Surat district, sanctioned by Government, shall not be given effect to."

2. "This Council recommends to Government in view of the bad state of roads and in view of the nature of the soil in the Surat district and the fact that the financial circumstances of the district board of Surat do not permit of the maintenance of the roads in good condition,

Government should give a special grant of rupees one lac in addition to the grants the board has been at present receiving, at least during each of the next ten years for the purpose of construction of new roads and improvement of the existing roads."

3. "This Council recommends to Government that an amount of Rs. 3,66,400 which represents the difference between the receipts from *Himayat* assessment on tanks in the Surat district for the ten years 1913-14 to 1922-23, viz., Rs. 4,37,166 and the amount spent on the repair of these tanks in the same period, viz., Rs. 70,766 be spent in the next three years on the special repair of the tanks in the Surat district."

4. "This Council recommends to Government that uncompleted portions of the provincial roads lying within the limits of the Surat district be completed within one year by metalling them and constructing bridges and causeways wherever necessary."

5. "This Council recommends to Government that in future the amount spent in any year on the repair of the tanks in a district should not be less than the amount realised as *Himayat* (water-rate) assessment from the tanks of that district in that year."

6. "This Council recommends to Government that a committee of officials and non-officials (with a majority of non-official members) be appointed to consider the difficulties experienced by local authorities in the working of the Primary Education Act of 1923 and the rules framed thereunder and to suggest remedies for their removal by amending the Act and the rules where necessary."

7. "This Council recommends to Government that a committee of non-official and official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each district on an equitable basis and to discontinue the present method of making these grants."

8. "This Council recommends to Government to appoint a committee of official and non-official members to consider the possibility of creating posts of lady doctors at suitable centres."

9. "This Council recommends to Government that in view of the fact that the recent destructive floods have caused extensive damage to the soil in some parts of Ahmedabad, Broach, Kaira and Panch Mahals rendering the soil unfit for cultivation for several years and that the expenses for improvement cannot be afforded by the cultivators, it is essentially necessary—

(a) to estimate the total acreage of soil rendered agriculturally unproductive and hence valueless and to devise measures through the Government for improvement and reclamation,

(b) to carry out scientific and economic survey of the ruined soils of the devastated talukas,

(c) to appoint immediately a special agricultural officer of high accomplishments to accomplish this survey in the interests of the economic life of the cultivators and Government revenues, and

(d) to order the revenue officers to regard ruined soil as uncultivable waste and free it from all assessment charges until reclaimed."

10 " This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction."

11. " This Council recommends to the Governor in Council and acting with Ministers that, in view of the increasing unemployment and poverty of the middle and rural classes of the Presidency, he will be pleased, with the help of a committee of experts and in the light of the reports of the Industrial Commission of 1916-1918, the Bengal Government Unemployment Report, the External Capital Committee's Report, and the Sir Visvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

12. " This Council recommends to His Excellency the Governor in Council that sufficient amount should be set apart from the Provincial Funds to be utilized for the relief of the flood-stricken people of North Gujarat and for reconstruction of villages destroyed, and a portion of it may be placed at the disposal of the district local boards in Gujarat for the repair and reconstruction of roads, bridges, culverts, school houses and other sanitary works in the affected area."

13. " This Council recommends to Government that such owners and cultivators whose land has been rendered totally unfit for tillage and who have thus been deprived of their principal source of livelihood by the recent floods should be given unoccupied cultivable land free of cost at nominal annual rent only, to provide them with means for their livelihood."

14. " This Council recommends to Government that in view of the fact that at the time of unforeseen calamities the local Government officers are helpless in the absence of any definite guidance to adopt necessary measures of relief, Government should draft a short code of emergency instructions for the guidance of its subordinate officers of all departments in the districts and talukas and of the local boards authorising them to take immediate measures for saving life and property and for help to the distressed people, the rules under the code being made by a small committee appointed by Government, in consultation with local officers, local boards and public bodies."

15. " This Council recommends to Government that the work of the Revision Settlement of the Chikhali taluka of the Surat district should be suspended till the principles of Revision Settlements are put on a statutory basis by the amendment of the Bombay Land Revenue Code."

*Resolution by Mr. N. E. Navle, M.L.C.*

1. "This Council recommends to Government that they should pay by way of grant to the management of boarding houses for Backward and Intermediate Classes students in the Bombay Presidency one-third of their annual expenditure."

*Resolutions by Mr. Jairamdas Doulatram, M.L.C.*

1. "This Council recommends to the Governor in Council to direct that all purchases for the requirements of every department under the Government of Bombay shall be made by open tenders being called in India in rupees for delivery in India."

2. "This Council recommends to the Governor in Council to increase the number of elected Indian trustees of the Board of the Port Trust of Bombay from seven to twelve."

*Resolutions by Dr. P. G. Solanki, M.L.C.*

1. "This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the Depressed Classes in the Presidency and to recommend measures for their betterment."

2. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to inquire into the grievances and the present condition of the aboriginal tribes in this Presidency and to suggest means for their uplift and amelioration."

*Resolutions by Mr. N. A. Bechar, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the Depressed Classes in the Presidency and to recommend measures for their betterment."

3. "This Council recommends to the Governor in Council—

(a) to select an Indian Officer with aptitude for Labour work and depute him to Europe and America for training in Labour matters and that on return he should permanently hold the position of Director of Labour in the Bombay Presidency ;

(b) that the Director of Labour should devote himself entirely to Labour matters ;

(c) that some other officer be given the work of Director of Information if necessary."

*Resolutions by Dr. B. R. Ambedkar, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government to appoint a committee with a majority of non-official members of the Council to enquire into the educational and economic condition of the Depressed Classes in the Presidency and to recommend measures for their betterment."

3. "This Council recommends to the Governor in Council to appoint a committee with a non-official majority to enquire into the grievances and the present condition of the aboriginal tribes in this Presidency and to suggest means for their uplift and amelioration."

#### XI. PAPERS PRESENTED TO THE COUNCIL.

(1) Copy of the Revised Leave Rules of the Gadag Betgeri Municipality and of Resolution of Government in the General Department, No. 3649, dated the 2nd November 1926.

(2) Circulars No. A-50, dated 11th January 1924, and No. A-1982, dated the 22nd November 1924, issued by the Judicial Commissioner of Sind, regarding bail applications filed in the Court of the Judicial Commissioner of Sind.

(3) Resolutions of Government in the General Department, Nos. 3631 and 2449, dated 20th July 1927, regarding Election Rules of the Dhulia and Nadiad Municipalities, respectively, and No. 1695, dated the 2nd August 1927, regarding Election Rules of the Surat Municipality.

(4) Proceedings of the meetings of the Finance Committee, July 1927.

(5) Resolution of Government in the General Department, No. 988, dated the 8th August 1927, regarding the Election Rules of the Gadag Betgeri Municipality.

(6) Election Rules of the Ahmednagar Municipality.

(7) Election Rules of the Sholapur Municipality.

(8) Report of the Select Committee on Bill No. III of 1927 (A Bill to provide for the establishment and better regulation of cotton markets in the Bombay Presidency).

(9) Report of the Select Committee on Bill No. XXI of 1927 (A Bill to amend the law relating to the University of Bombay).

(10) Election Rules of the Bhusawal Municipality.

(11) Election Rules of the Lonavla Municipality, 1927.

(12) F. D. Note dated the 15th September 1927 regarding Day Darbars.

(13) Resolutions of Government in the General Department, Nos. 7011, dated the 22nd August 1927, and 5449, dated the 30th August 1927, regarding amendments in the rules of the Shikarpur and Ahmedabad Municipalities respectively.

(14) Resolutions of Government in the General Department, Nos. 4828, dated the 1st September 1927, and 5070, dated the 1st September 1927, regarding amendments in Rules of the Nadiad and Gadag Betgeri Municipalities respectively.

(15) Election Rules of the Ratnagiri Municipal Borough.

N. J. WADIA,

Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 29th September 1927.

## APPENDIX TO THE AGENDA

## AMENDMENTS TO BILLS

*Bill No. 11 of 1927 (A Bill further to amend the Bombay,  
Land Revenue Code, 1879)*

Clauses	Amendments	Name of the mover
Section 85 of the Act—Clause (1).	Omit the words "rent or" wherever they occur.	Rao Bahadur B. R. Kale.
Do. ..	Add the following proviso to clause 1 of section 85 :— "provided that the appointment of such village officers is made with the previous consent of the holder of the alienated village."	Mr. L. M. Deshpande.
Section 85 of the Act—Clause (2).	Omit the words "rent or" wherever they occur.	Rao Bahadur B. R. Kale.
Do. ..	Delete the words "with the previous consent of the Collector" in clause 2.	Mr. L. M. Deshpande.
Section 85 of the Act—Clause (3).	Add "And shall be liable to a fine not exceeding three times the amount of the sum recovered and not accounted for by him" at the end of clause 3.	Mr. L. M. Deshpande.
Section 85 of the Act—Clause (4).	Omit the words "rent or" wherever they occur.	Rao Bahadur B. R. Kale.
Do. ..	Add at the end the following explanation :— "For the purposes of this section <i>Land Revenue</i> means revenue paid in cash and not in kind or by passing a bond or promissory note."	Rao Bahadur B. R. Kale.
Do. ..	Add the following clause 5 to section 85 :— "Clauses 1 to 4 are applicable to cases where the holder of the alienated village has consented to the commutation of the kulkarni service and agreed to take the services of a Talathi."	Mr. L. M. Deshpande

**Bill No. III of 1927 (A Bill to provide for the establishment and the better regulation of cotton markets in the Bombay Presidency) as amended by the Select Committee**

Clauses	Amendments	Name of the mover
Clause 3 (i)	In clause 3 (i) omit words "ginned cotton"	Mr. H. S. Pataskar.
Clause 3 (ii)	After sub-clause (ii) add sub-clause (iii) reading "A Divisional Cotton Committee shall consist of the members elected by such body or bodies and in such manner as may be prescribed in this behalf together with such persons as may be nominated by Government to represent the interest of growers of, and dealers in, cotton."	Major W. Ellis Jones.
Clause 3 (iii)	Omit clause 3 (iii) altogether	Mr. H. S. Pataskar.
Do.	Sub-clause (iii), to substitute - "A grower of cotton shall not include a dealer or broker in cotton, although such a person may grow cotton. If a question arises whether any person is a grower of cotton or not for the purpose of this Act, the decision of the Collector of the District in which the person permanently resides shall be final."	Major W. Ellis Jones.
Clause 4 (i)	Substitute for clause 4 (i) the following :-  "The Local Government may upon representation made by the District Local Board or the local municipality by notification in the <i>Bombay Government Gazette</i> declare that any place shall be a cotton market established under this Act."	Mr. F. J. Ginwalla.
Do	In clause 4 after the words "The Local Government may" and before the words "upon a representation, etc." add the following words :-  "After consulting the District Local Board and such other Local Authorities as they deem necessary or."	The Honourable Mr. G. B. Pradhan.
Do.	In clause 4 omit the words "after consulting the Divisional Cotton Committee or upon a representation made by them" and insert in place of those words the following words :-  "upon a representation made by the District Local Board and after consulting such local bodies or associations as are likely to be affected by the establishment of markets under this Act."	Mr. H. S. Pataskar.
Do.	Clause 4, section (i), after the words "upon a representation by" add the words "the Divisional Cotton Committee" so that the clause will read "The local Government may upon a representation made by the Divisional Cotton Committee or by the District Local Board by notification in the <i>Bombay Government Gazette</i> declare any place shall be a cotton market established under this Act."	Major W. Ellis Jones.
Clause 4	In clause 4, add the words "based on a resolution supported by not less than three-fourths of the whole number of members constituting the district local board," after the words "District Local Board" occurring in the first sub-clause of the clause No. 4 of the bill.	Rao Bahadur S. T. Kambh.
Do.	In clause 4, after the words "the District Local Board" occurring in sub-clause or paragraph 1 of clause 4 of the bill, add the words "based on a resolution of the District Local Board supported by not less than two-thirds of the whole body of members constituting the said board."	Rao Bahadur S. T. Kambh.
Clause (5)	Substitute in sub-clause (5) of clause 4, for words "Of these not less than half shall be persons elected by the cotton growers", the following :- "Of these not less than two-thirds shall be persons elected by the cotton growers."	Mr. F. J. Ginwalla.



Clauses	Amendments	Name of the mover
Clause 5	In line 8 substitute "two-thirds" for the word "half."	Rao Sahab D. R. Patil.
Do.	In section 5, paragraph 2, delete the word "half" and insert the words "two-thirds" in its place.	Mr. R. S. Asavale.
Do.	In clause 5 : (1) For the words "cotton growers" substitute the words "growers of cotton." (2) For the word "area" where it occurs for the second time substitute the word "district." (3) After the words "if any" insert the words "of the area."	The Honourable Mr. G. B. Pradhan.
Clause 6 (2) (v)	Clause 6, section (v), be added "The constitution of the Divisional Cotton Committee."	Major W. Ellis Jones.
Clause 6 (4)	At the end of clause 6, sub-clause (4), add the following :—  "For one month previous to the next session thereof and shall be liable to be rescinded or modified by a Resolution of the said Council tabled at the next session."	Rao Bahadur R. R. Kale.
Clause 11	In clause 11 : (1) For the word "made" substitute the word "incurred." (2) For the colon occurring after the words "said fund" substitute a semi-colon and insert the word "and" after the semi-colon (3) For the word "expended" substitute the word "invested."	The Honourable Mr. G. B. Pradhan.
Clause 12	In clause 12 : (1) For the words "fees collected by the market committee under this Act or the rules made thereunder" the words "the market committee fund" shall be substituted (2) In sub-clause (iii), after the word "allowances" insert the word "gratuities."	The Honourable Mr. G. B. Pradhan.
Do.	In section 12 delete clause "(iv) the expenses of and incidental to elections."	Mr. R. S. Asavale.
Do.	Add "Section 12-A. The expenses of and incidental to election be borne by Government."	Mr. R. S. Asavale.
Clause 13	After clause 13, the following clause shall be inserted, namely :—  "13-A. Every market committee shall be a body corporate by the name of "The Market Committee" and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act"	The Honourable Mr. G. B. Pradhan.
Clause 16	Omit clause 16	Mr. H. S. Pataskar.
Do.	Add a proviso at the end of clause 16 as follows :—  "Provided that towns or cities which have hitherto enjoyed the right or privilege of holding cotton markets within their	Rao Bahadur S. T. Kambli.

Clauses	Amendments	Name of the mover
Clause 16— <i>contd.</i>	respective areas shall not be deprived of their right or privilege to continue to hold such markets within their respective limits."	
Clause 16 ( <i>Explanation</i> ).	Substitute the words "at his doors" for the words "outside the limits of the cotton market" appearing in the last line of the explanation.	Bao Saheb D. R. Patil.
Clause 17 ..	Omit clause 17 .. .. .	Mr. H. S. Pataskar.
Do. ..	<p>Substitute in clause 17 for words 'shall be punished with fine which may extend to Rs. 500' in lines 10 and 11, the following :—</p> <p>'shall be punished with fine which may extend to Rs. 200' and for words 'with fine which may extend to Rs. 100 for each day' in lines 13 and 14, the following :—</p> <p>'with fine which may extend to Rs. 25 per day.'</p>	Mr. F. J. Glnwalla.
Clause 18 ..	In clause 18, after the figure "6" insert the words and figure "or under any bye-law made under section 7."	The Honourable Mr. G. B. Pradhan.

## AMENDMENTS TO BILLS

*Bill No. III of 1927 (A Bill to provide for the establishment and the better regulation of cotton markets in the Bombay Presidency) as amended by the Select Committee.*

Notice has been received of the following amendments from Mr. M. G. Bhosle, M.L.C.—

1. In clause 4 (1) for the words “upon a representation made by the District Local Board,” substitute “after consulting the local authorities or upon a representation made by them.”
2. In clause 5 for the word “half,” substitute “two-thirds.”
3. In clause 6 (4) for the words “shall, when made, be laid on the table,” substitute the word “approval.”
4. In clause 9 (3) at the end of it *add* “with the approval of the Bombay Legislative Council.”

**Bill No. XVI of 1927 (A Bill to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land)**

Clauses	Amendments	Name of the mover
	Omit the words "Lease" and "Lessee", together with the connected references thereto wherever they occur in the Bill.	Rao Bahadur B. R. Kale.
Clause 3	.. Delete sub-clause (a) of clause 3 ..	Mr. L. M. Deshpande.
Do.	.. In section 3, clause (b), last line, after the word 'unit' add the following words:— 'so reduced as a result of any alienation or.'	Mr. A. D. Sheth.
Do.	.. In section 3, clause (c), add the following words at the end:—'and includes talukdari lands.'	Mr. A. D. Sheth.
Do.	.. Delete sub-clause (D) of clause 3 ..	Mr. L. M. Deshpande.
Do	Delete sub-clause (g) of clause 3 and insert the following in its place:—  "Standard unit means the area of land as stated in Schedule A."	Mr. L. M. Deshpande.

**SCHEDULE A**

*Scale of standard unit in the following districts*

Name of District	Class of land	Area of standard unit.
		A. g.
Gujarath (all districts)	{ Dry crop	1 0
	{ Garden	0 20
	{ Rice	0 20
Deccan (all districts)	{ Dry crop	1 0
	{ Garden	0 10
	{ Rice	0 10
Thana ..	{ Rice	0 10
	{ Garden	0 10
	{ Jirayat	3 0
Kolaba ..	{ Rice	0 10
	{ Garden	0 10
	{ Jirayat	3 0
Ratnagiri ..	{ Rice	0 5
	{ Garden	0 5
	{ Varkas	2 0
Belgaum, Dharwar, Bijapur	{ Dry crop	6 0
	{ Rice	1 0
	{ Garden	0 20
North Canara Settle Talukas of the Below Ghats Districts, viz.—		
1 Karwar ..	{ Dry crops	5 0
2 Ankola ..	{ Rice	0 5
3 Kumtha ..	{ Garden	0 5
4 Hanawal..	{ Kumari	5 0

Clauses	Amendments			Name of the mover
	Name of District	Class of land	Area of standard unit	
	Above Ghat Districts—		A g	
	1 Hallyal ..	Dry crop ..	3 0	
	2 Yellapur ..	Rice ..	1 0	
	3 Sirasi ..	Garden ..	0 20	
	4 Siddapur..			
Clause 4	.. Delete clause 4 .. ..			Mr. L. M. Deshpande
Do.	.. In section 4, line 8, after the word 'agriculture' add the following words:—'a member or members of the Legislative Council representing the district.'			Mr. A. D. Sheth.
Do.	.. In section 4, line 10, after the word 'board' add the following words:—'of whom one shall be the president of district local board.'			Mr. A. D. Sheth.
Do.	.. At the end of section 4, add the following words:—'This committee shall invariably invite in all its meetings and take advice of the president of the taluka local board in all matters that concern the taluka of the said president'			Mr. A. D. Sheth.
Clause 5	.. Delete clause 5 .. ..			Mr. L. M. Deshpande.
Do.	.. In section 5, at the foot of it add the following:—'and which would be necessary to maintain in comfort one family of agriculturist.'			Mr. A. D. Sheth.
Clause 6	.. Delete clause 6 .. ..			Mr. L. M. Deshpande.
Clause 7	.. Delete clause 7 .. ..			Mr. L. M. Deshpande.
Clause 8	.. Delete clause 8 .. ..			Mr. L. M. Deshpande.
Clause 11	.. After the word Mamlatdar in clause 11 insert "The Sub-Registrar."			Mr. L. M. Deshpande.
Do.	.. After clause 11 insert "11 (1) No transfer deed of a fragmented holding shall be registered in favour of any person other than a neighbour except on the conditions of the proposed transfer and the terms offered as stated in the notice."			Mr. L. M. Deshpande.
Clause 15	.. Omit clause 15 .. ..			Rao Bahadur R. R. Kale.
Do.	.. In section 15, lines 4-5, after the word 'occupant' add the following:—'In the first instance' and at the end of the same section 'In the alternative.'			Mr. A. D. Sheth.
Clause 16	.. In clause 16 between the word "shall" and the words "be entered", insert the word "not"; and delete the portion of the clause after "rights" and substitute in lieu thereof the following:— "And shall not be recognised by any court of law."			Rao Bahadur R. R. Kale.
Clause 17	.. At the end of section 17, add the following words:—"As provided for in section 15"			Mr. A. D. Sheth.
Clause 19	.. Delete clause 19 .. ..			Mr. L. M. Deshpande.
Clause 21	.. In section 21, clause (1), line 3, after the word "revenue" add the words "or jama."			Mr. A. D. Sheth.
Do.	.. In section 21, clause (1), line 6, delete the word "Collector" and substitute in its stead the following:—"The Committee appointed under section 4, clause (1)."			Mr. A. D. Sheth.

Clauses	Amendments	Name of the Mover
Clause 21	In clause 21, sub-clause (i), after the words "It shall" occurring in line 13, insert the following :— "Unless it is agreed to hold it as tenants-in-common."	Rao Bahadur R. R. Kale.
Do.	In section 21, clause (1), line 19, after the word "money" add the following words :—"or in any other reasonable ways acceptable to the parties."	Mr. A. D. Sheth.
Do.	In section 21, clause (1), line 21, delete the word "Collector" and substitute in its stead the word "Committee."	Mr. A. D. Sheth.
Do.	Insert in line 21 of sub-clause 1 of clause 21 after the word Collector "Regard being had to the market value."	Mr. L. M. Deshpande.
Do.	In section 21, clause (2), lines 26-27, delete the word "Collector" and substitute "Committee" in its stead.	Mr. A. D. Sheth.
Do.	In sub-clause 2 of clause 21, after the word "them" occurring in line 28, add the following :— "To hold such land as tenants-in-common or otherwise."	Rao Bahadur R. R. Kale.
Do.	In section 21, clause (3), line 48, substitute the word "Committee" for "Collector."	Mr. A. D. Sheth.
Do.	Insert in line 49 of sub-clause 3, clause 21, after the Collector "Regard being had to the market value."	Mr. L. M. Deshpande.
Do.	At the foot of section 21, add clause (4) as under : "An appeal shall lie to the local Government on all orders of the committee under this section."	Mr. A. D. Sheth.
Do.	Add a new section after section 21 :— 21(A).—The provisions of section 21 shall apply as far and as nearly as may be to any partition of such an estate belonging to a joint Hindu family effected by act of parties provided that nothing contained in this Act shall apply to a division in interest made at such partition by agreeing to the conversion of a joint tenancy into a tenancy-in-common without any subdivision by metes and bounds.	Rao Bahadur R. R. Kale.
Clause 22	Omit clause 22	Rao Bahadur R. R. Kale.
Do.	Delete the words "Or cultivates a new fragmented holding in violation of section 19" in clause 22.	Mr. L. M. Deshpande.
Do.	In section 22, line 10, after the figure "50" add the following words :—"Every time such contravention is proved to the satisfaction of the Collector."	Mr. A. D. Sheth.
Clause 27	Insert in clause 27 after the word "redistribute" "Scattered and fragmented" and delete the word "the" appearing in line 11 of the clause.	Mr. L. M. Deshpande.
Clause 30	Omit clauses 30 to 74 (both inclusive) and in place thereof substitute the following clause 30 :— "If after such inquiry the Collector finds that there are holders of fragmented holdings, held in severalty but capable of being converted into tenancies-in-common by agreement or otherwise in manner prescribed, he shall submit a scheme for such conversion in such manner as may be prescribed to carry out the purpose of clause 30."	Rao Bahadur R. R. Kale.
Clause 42	Delete the words "Having no interest in the land of the village and appointed by the District Judge" appearing in clause 42 and insert instead "Elected by the majority of the persons of the village affected by the consolidation and redistribution of the land."	Mr. L. M. Deshpande.

Clauses		Amendments	Name of the mover
Clause 45	..	After the word "Agent" add the words "Or pleader" in clause 45.	Mr. L. M. Deshpande.
Clause 50	..	Insert the following sub-clause 3 to clause 50 : "The pay and travelling allowance of the District Judge as president of the tribunal shall not be considered as an incidental expenditure."	Mr. L. M. Deshpande.
Clause 59	..	Delete clause 59 .. .. .	Mr. L. M. Deshpande.
Clause 63	..	Delete clause 63 and insert instead "No person who is not the original holder shall be allotted any plot under the redistribution."	Mr. L. M. Deshpande.
Clause 71	..	Add the following sub-clause 2 to clause 71 :— "Actual possession of the fragmented holding shall remain with the holders till the date from which the scheme is to come into effect."	Mr. J. M. Deshpande.
Clause 76	..	Delete the words "Governor in Council" in clause 76 and insert instead the word "Government." Add the following sub-clause 4 to clause 76 "The rule so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council at its next session."	Mr. L. M. Deshpande.

## AMENDMENTS TO BILLS

*Bill No. XXI of 1927 (A Bill to amend the law relating to the  
University of Bombay) as amended by the Select Committee*

Clauses	Amendments	Name of the mover
Clause 2	For clause 2 substitute the following :— " 2. This section and sections 1 and 44 shall come into operation at once. The rest of the Act shall come into operation on such date as Government may, by notification in the <i>Bombay Government Gazette</i> , appoint in this behalf."	Mr. Balak Ram.
Clause 3	To clause 3 (a) make the following addition :— " An <i>incorporated</i> college is any institution founded and managed by the University itself for the study of a special group provided in any adequate way in either colleges ; a <i>constituent</i> college is an affiliated college not founded by the University but which is subject to the University in the matter of regulating the work of teaching carried on therein ; an <i>affiliated</i> college is a college not founded by the University but is recognised by the University as a fit and proper institution for undertaking under-graduate teaching."	Dr. B. R. Ambedkar.
Clause 4	In clause 4 (2) delete the words " The Rector (if any)."	Mr. B. V. Jadhav.
Clause 5	Delete clause 5 (4) Delete clause 5 (5)	Mr. P. R. Chikodi. Do.
Clause 7	Add the following clause to the Bill :— Institutions of 7. (A) The following shall be institutions of the University. University :— (1) Incorporated College. (2) Constituent College. (3) Affiliated College. (4) University Library. 7. (B) For the purposes of grants-in-aid from Government Treasury the University alone shall be recognised by the Government and no grants-in-aid shall be given to any college through the University.  Clause 7 of the Bill should be renumbered as clause 7 (c).	Dr. B. R. Ambedkar.          Do.
Clause 8	In Chapter III, clause 8, add after the words " consists of " the following :— (a) The Chancellor, (b) The Vice-Chancellor	Mr. S. K. Bole.
Clause 9	Amendment to clause 9 :— " The Senate shall elect the Vice-Chancellor who shall, save as herein otherwise provided, hold office for two years and shall be eligible for re-election."	Mr. F. J. Ginwalla.
Clause 10	For clause 10, substitute the following :— " The Vice-Chancellor shall be elected by the Fellows from among themselves by a two-thirds majority of those present at a meeting of the Senate called for the purpose. His election shall be subject to approval by the Chancellor. He shall hold office for three years and shall be eligible for re-election."	Mr. R. G. Pradhau.
Clause 10	Delete clause 10 and substitute for it the following :— " There shall be a Vice-Chancellor who shall be appointed by the Chancellor from among a panel of five Fellows to be elected by the Senate and who shall hold office for five years and be eligible for re-appointment."	Mr. P. R. Chikodi.



Clauses	Amendments	Name of the mover
Clause 10	For clause 10, substitute the following clause :— "The Vice-Chancellor shall be appointed by the Chancellor from amongst a panel of five Fellows elected by the Senate."	Rao Bahadur R. R. Kale.
Clause 10	In clause 10 substitute the words "The Vice-Chancellor shall be elected by the Fellows from among themselves" for the words "The Chancellor shall appoint a Vice-Chancellor".	Mr. J. R. Patel.
Clause 10	In section 10 of the amended Bill drop the words "The Chancellor shall appoint a Vice-Chancellor who" and substitute the words "The Vice-Chancellor shall be elected by the fellows from among themselves and".	Mr. J. C. Swaminarayan.
	In line 5 of section 10, substitute the word "three" for the word "two."	
Clause 10	In clause 10, add the words "for not on more than two occasions" at the end of the clause.	Mr. B. V. Jadhav.
Clause 11	Section 11 (c): Omit the words :— "preside when present at the meetings of the Syndicate and."	Mr. H. Hamill.
Clause 11	In clause 11 (c) omit the words "preside when present at the meetings of the Syndicate and"	Mr. Balak Ram.
Clause 12	Delete clause 12	Mr. B. V. Jadhav.
Clause 12	Delete clause 12 and make consequential changes where necessary.	Mr. P. R. Chikodi.
Clause 12	In Chapter III, delete clause 12	Mr. S. K. Bole.
Clause 12	Delete clause 12	Mr. J. R. Patel.
Clause 12	Delete section 12 of the amended Bill	Mr. J. C. Swaminarayan.
Clause 12	Section 12 (1) Delete the words :— "by a statute.....fellows"	Mr. H. Hamill.
Clause 12	In clause 12, (i) In sub-clause (1) for the words "three-fourths of the whole number of Fellows" substitute the words "two-thirds of the number of Fellows voting"; (ii) in sub-clause (2) for the word "Senate" substitute the words "Syndicate from out of persons recommended by a committee of selection."	Mr. Balak Ram
Clause 12	Section 12 (2): Delete the word "Senate" and substitute "Syndicate from a list of persons recommended by a Committee of selection". Section 12 (3): Delete the words :— "the manner..... Rector." After "Salary" add "of the Rector."	Mr. H. Hamill.
Clause 12	Add the following to clause 12 (1), part II, under heading "Ordinary Fellows": "(1) Provincial Committee of the All-India Trade Union Congress."	Mr. F. J. Gilmwalla,
Clause 12	Amendment to clause 12 (1), part II (A) (a): Substitute for 12 (1), part II, (A) (i), viz., "By University teachers and teachers.....5" the following : "By teachers, University teachers and University Professors.....10"	Do.
Clause 12	Amendment to clause 12 (1), part II (B): Substitute for "Nominated by the Chancellor .....40" the following : "Nominated by the Chancellor .....25."	Do.

Clause	Amendments	Name of the mover
Clause 13	In clause 13 (1) I (A) delete sub-clause (iii) ..	Mr. B. V. Jadhav.
Clause 13	In clause 13 delete " (iii) The Rector (if any) "	Mr. S. K. Bole.
Clause 13	Delete 13 (1) I (B) (i) ..	Mr. J. C. Swaminarayan.
Clause 13	Delete 13 (1) I (B) (iii) ..	Do.
Clause 13	Delete 13 (1) I (B) (iv) ..	Do.
Clause 13	Delete 13 (1) I (B) (v) ..	Do.
Clause 13	Delete 13 (1) I (B) (vi) ..	Do.
Clause 13	In clause 13, sub-clause (1) Part I (C) instead of " Heads of University Departments " substitute " representatives of University Departments "; and make consequential changes.	Mr. K. M. Munshi.
Clause 13	Section 13(1) Ex-officio B. Add a sub-clause D :— " Whole time principals of all colleges permitted to send up candidates for degree examinations."	Mr. H. Hamill.
Clause 13	In sub-clause (1) of clause 13,— (i) after entry (C) under the heading " I. Ex-officio " insert the following :— " (D) whole-time Principals of all colleges permitted to send up candidates for degree examinations."	Mr. Balak Ram.
Clause 13	Section 13 (II) Ordinary. Delete A. (1) and renumber subsequent clauses.	Mr. H. Hamill.
Clause 13	Omit the whole of entry (A) (i) under the heading " II.-Ordinary; " and renumber entries (ii), (iii), (iv), (v), (vi) and (vii) as (i), (ii), (iii), (iv), (v) and (vi) respectively.	Mr. Balak Ram.
Clause 13	(a) In clause 13, sub-clause (1), Part II (A) (i): For the words :—" as under: 13 " substitute the words : " as under :—17. Among the said number there shall be at least the following :—" (b) In the aforesaid clause at the end of sub-clause (f): Add the following as sub-clause (g): (g) Principals of Colleges of Commerce . . . . I.	Mr. K. M. Munshi.
Clause 13	In A. II. for " 10 " substitute " 20 " ..	Mr. H. Hamill.
Clause 13	In clause 13 II A (iii) substitute the word " two " for the word " one " and the figure " 10 " for the figure " 5 ".	Mr. J. R. Patel.
Clause 13	In section 13 (1)—II (A) (iii) change " one " into " two " and change the figure " 5 " into " 10 ".	Mr. J. C. Swaminarayan.
Clause 13	Delete sub-clauses (a), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o) of the clause 13 (i), II Ordinary, A (iv), and substitute the following :  " (a) Graduates and Undergraduates who are residents within the limits of the Municipal Corporation of the City of Bombay and who are not undergoing any course of instruction in any college, class, or institution affiliated to or maintained by the University . . . . . 1.  " (f) Graduates and Undergraduates who are residents within the limits of the Gujarat Group and who are not undergoing any course of instruction in any college, class, or institution affiliated to or maintained by the University . . . . . 2.  " (g) Graduates and Undergraduates who are residents within the limits of the Deccan Group and who are not undergoing any course of instruction in any college, class, or institution affiliated to or maintained by the University . . . . . 2.	Mr. P. B. Chikodi.

Clauses	Amendments	Name of the mover
	<p>"(A) Graduates and Undergraduates who are residents within the limits of the Karnatak Group and who are not undergoing any course of instruction in any college, class, or institution affiliated to or maintained by the University.....2</p> <p>"(i) Graduates and Undergraduates who are residents within the limits of the Konkan Group and who are not undergoing any course of instruction in any college, class, or institution affiliated to or maintained by the University.....2</p> <p>"(j) Graduates and Undergraduates who are residents within the limits of the Sind Group and who are not undergoing any course of instruction in any college, class, or institution affiliated to or maintained by the University.....2".</p>	
Clause 13	<p>.. In Chapter III, clause 13 (iv) A, delete the following :—</p> <p>"(iv) (b) Indian Merchants' Chamber 1 "</p> <p>"(iv) (c) Chamber of Commerce 1 "</p> <p>"(iv) (d) Millowners' Association, Bombay 1 "</p> <p>"(iv) (e) Millowners' Association Ahmedabad 1 "</p>	Mr. S. K. Bole.
Clause 13	<p>.. In clause 13 (1)—II Ordinary (A) (IV) after (c) add the following—</p> <p>"(CC) Trade Unions registered under the Indian Trade Unions Act, Act XVI of 1926, 3."</p> <p>Amendment to clause 13 (1)—II Ordinary (B): after the words "nominated by the Chancellor" add the following words: "of whom not less than three shall be persons nominated to represent the interests of the labouring classes "</p>	Mr. S. C. Joshi.
Clause 13	<p>.. 13 (1) II (A) (iv) delete (d) and (e) ..</p>	Mr. B. V. Jadhav.
Clause 13	<p>.. In section 13 (1)—II Ordinary (A) sub-clause (iv) after "e" add another sub-clauses :</p> <p>"(ee) Labour Unions of the City of Bombay 3 "</p> <p>"(ef) Labour Unions of Ahmedabad 1 "</p> <p>"(eg) Labour Unions of Sholapur 1."</p>	Mr. R. S. Asavale.
Clause 13	<p>.. Omit the word "city" in (f) of IV in (A) of II Ordinary.</p> <p>Omit the word "city" in (g) of IV in (A) of II Ordinary.</p> <p>Omit the word "city" in (h) of IV in (A) of II Ordinary.</p> <p>Omit the word "city" in (i) of IV in (A) of II Ordinary.</p> <p>Omit the word "city" in (j) of IV in (A) of II Ordinary.</p> <p>Omit the words "of whom one shall ———— a member of the Senate" in VII of (A) in II Ordinary.</p>	Rao Saheb D. R. Patil.
Clause 13	<p>.. In section 13 (1) II—(A) (iv) drop the word "City" in (f), (g), (h), (i) and (j).</p>	Mr. J. C. Swaminarayan
Clause 13	<p>.. In clause 13 (1)—II Ordinary A—(iv) after "(o) District Local Board of Sind group..1," add the following :—</p> <p>"(p) Deccan Sardars and Inamdars (Land-holders)..... 1</p> <p>"(q) Gujarat Sardars and Inamdars (Land-holders).....1</p> <p>"(r) Sind Jagagirdars and Zamindars (Land-holders).....1 "</p>	Sardar G. N. Mujumdar.
Clause 13	<p>.. In clause 13 (1)—II Ordinary (A)—(iv), add</p> <p>"(p) Deccan Sardars and Inamdars.....1</p> <p>"(q) Gujarat Sardars and Inamdars.....1</p> <p>"(r) Sind Jagirdars and Jamindars.....1 "</p> <p>after "(o) District Local Boards of Sind group 1."</p>	Mr. J. B. Desai.

Clause	Amendments	Name of the mover
Clause 13	Clause 13, II. A. After the sub-clause o, add the following explanation: "Explanation: The city municipalities and the district local boards mentioned in sub-clause f, g, h, i, j, k, l, m, n and o are free to elect a person, who need not be a member of a city municipality or a district local board, to represent them on the Senate."	Mr. Noor Mahomed.
Clause 13	In clause 13 II ordinary A (V) after the words "by Registered Graduates" add :— "Six by each of the following groups :— 1. Gujarath. 2. Koukan. 3. Deccan. 4. Karnatak. 5. Sindh and substitute "30" for "25".	Rao Bahadur R. R. Kale.
Clause 13	In clause 13 II A (v) substitute :— "Six by registered graduates in each group .....30" for the words "By registered graduates.....25" or substitute the words "Five by registered graduates in each group" for the words "By registered graduates."	Mr. J. R. Patel.
Clause 13	13 (1) II (A) (v) add the following words at the end of the sub-clause :— "formed into five divisional constituencies"	Mr. B. V. Jadhav.
Clause 13	In section 13 (1) II (A) (v), change the figure "25" into "30"	Mr. J. C. Swaminarayan.
Clause 13	In A. V for "25" substitute "15"	Mr. H. Hamill.
Clause 13	In A. VI for "10" substitute "20"	Do.
Clause 13	A. VII delete .. .. .	Do.
Clause 13	In clause 13, omit sub-clause VII of clause (A) II (Ordinary Fellows).	Rao Bahadur R. R. Kale.
Clause 13	Clause 13A, VII. Delete the words "Of whom one.....Senate."	Mr. Noor Mahomed.
Clause 13	13 (1) II (A) (vii) delete all words occurring after "Bombay".	Mr. B. V. Jadhav.
Clause 13	In Chapter III, clause 13 (ii) A (vi), delete the following after the word "Bombay" :— "of whom one shall be the representative of the University of the Council if he is not already a member of the Senate."	Mr. S. K. Bole.
Clause 13	(iii) in the explanation under the heading "II Ordinary" for the words "schools and colleges in the Bombay Presidency" substitute the words "schools in the Bombay Presidency"; and (iv) omit the words "The Senate, shall, by statute determine to which of the groups above mentioned schools and colleges in Indian States shall be attached."	Mr. Balak Ram
Clause 13	In the same clause, viz., 13 II ordinary (A) Explanation insert after "Indian States" and "shall be attached the following words : "And the neighbourhood thereof."	Rao Bahadur R. R. Kale.
Clause 13	In clause 13 II B, substitute the figure "30" for the figure "40".	Mr. J. R. Patel.
Clause 13	In section 13 (1) II (B), change the figure '40' into '30'.	Mr. J. C. Swaminarayan.
Clause 13	Clause B. Change the figure 40 into 50	Mr. Noor Mahomed.
Clause 13	In clause 13 (1) II-B substitute the figure 50 for the figure 40.	Mr. B. V. Jadhav.
Clause 13	In Chapter III, clause 13 (ii) B, delete the figure 40 and substitute "50" and add "out of whom three shall be representatives of labour."	Mr. S. K. Bole.

Clauses	Amendments	Name of the mover
Clause 13	To clause 13, add the following :— “ Provided that no one shall be elected a Fellow, or nominated a Fellow by the Chancellor, who does not understand the English language and cannot address the Senate in that language ”.	Mr. R. G. Pradhan.
Clause 16	Delete clause 16 .. .. .	Mr. F. J. Ginwalla.
Clause 17	Delete clause 17 .. .. .	Mr. R. G. Pradhan.
Clause 17	In section 17 substitute ‘three-fourths’ for ‘two-thirds.’	Mr. J. C. Swaminarayan.
Clause 17	To clause 17, add at the end the following : “ and he shall not be eligible for reappointment or re-election for a period of five years, or until the disqualification has been removed earlier by the local Government by a notification in the <i>Bombay Government Gazette</i> . ”	Mr. R. G. Pradhan.
Clause 17	In clause 17 add the following words at the end — “ and he shall not be eligible for re-appointment or re-election until the disqualification has been removed by the local Government by a notification in the <i>Bombay Government Gazette</i> . ”	Mr. B. V. Jadhav.
Clause 17	Amendment to clause 17 (2) (e) :— Substitute for “ make provision for post-graduate instruction and research ” the following : “ make provision for post-graduate instruction and research including technology ”.	Mr. F. J. Ginwalla.
Clause 18	Amendment to clause 18 (1) :— Substitute for “ The University shall include such Faculties as are constituted by the Senate by Statutes from time to time ” the following :— “ The University shall include such Faculties including the Faculty of Technology as are constituted by the Senate by Statutes from time to time. ”	Do.
Clause 19	Section 19 (3): For “ Syndicate ” substitute “ Academic Council. ”	Mr. H. Hamill.
Clause 19	Amendment to clause 19 (1) (a) :— Substitute for paragraph 19 (1) (a), viz., “ The Rector, or if there be no Rector, the Vice-Chancellor ”, the following : “ The Vice-Chancellor and the Rector ”.	Mr. F. J. Ginwalla.
Clause 20	Section 20 (1): For sub-clause (a) substitute :— “ The Rector, if any, otherwise the Vice-Chancellor (Chairman). ”	Mr. H. Hamill.
Clause 20	In sub-clause (1) of clause 20, for sub-clause (a) substitute the following :— “ the Rector, if any, otherwise the Vice-Chancellor ; ..... the Chairman. ”	Mr. Balak Ram.
Clause 20	In Chapter V, clause 20 (b), delete “ the Rector, if any ” and add “ and the Chancellor shall nominate three to represent special interests. ”	Mr. S. K. Bole.
Clause 20	Omit (b) and re-letter the remaining sub-clauses.	Mr. H. Hamill.
Clause 20	Omit sub-clause (b) and re-letter the remaining sub-clauses ; and  in sub-clause (e) omit the word “ Principals. ”	Mr. Balak Ram.
Clause 20	In clause 20 (1) (e) delete the words “ who are neither Principals, University Professors, University Teachers, Teachers nor Head Masters. ”	Mr. B. V. Jadhav.

Clauses	Amendments	Name of the mover
Clause 20	.. Sub-clause (e) :—Delete all that follows "Fellows"	Mr. H. Hamill.
Clause 20	.. Clause 20. After the sub-clause (e), add new sub-clause (f) with the following words : "Nominated by the Chancellor .. 2."	Mr. Noor Mahomed.
Clause 20	.. Section 20 (4) :—For "head-masters" read "Head-master."	Mr. H. Hamill.
Clause 21	.. In clause 21 (1) add sub-clause :— "(f) three persons nominated by the Chancellor from among the Fellows."	Mr. B. V. Jadhav.
Clause 21	.. Section 21 (f) :—After "Chancellor" insert "and." After "Vice-Chancellor" punctuate and delete "and."	Mr. H. Hamill.
Clause 22	.. In clause 22 delete sub-clause (i) .. ..	Mr. B. V. Jadhav.
Clause 22	.. In clause 22, sub-clause (i) :— Add the words : (Ex-officio Chairman.) ..	Mr. K. M. Munshi.
Clause 22	.. Section 22 (1) :—After "Vice-Chancellor" add "the Chairman."	Mr. H. Hamill.
Clause 22	.. In clause 22 (1) after the word .. .. "Vice-Chancellor" insert the words "the Chairman."	Mr. Balak Ram.
Clause 22	.. Add the following to clause 22 :— "(vi) The Librarian of the University."	Dr. B. R. Ambedkar.
Clause 24	.. In clause 24, delete sub-clause (1) ..	Mr. K. M. Munshi.
Clause 24	.. In clause 24, omit sub-clause (1) and the figure "2."	Mr. Balak Ram.
Clause 24	.. Section 24 (1) : Omit this sub clause and figure (2) at the opening of the next sub-clause.  Section 24 (2) (d) : After "Syndicate" insert "the."  Section 24 (2) (g) : Delete the sub-clause and substitute "to recommend to the Syndicate the names of persons to be appointed examiners."	Mr. H. Hamill.
Clause 24	.. Add the following to clause 24 :— "(j) to maintain a library for the University and to make regulations for the use of the same."  Renumber sub-clauses (j), (k) and (l) of clause 24 as (k), (l) and (m).	Dr. B. R. Ambedkar.
Clause 24	.. In sub-clause (2) of clause 24, insert the words : "regulate the hostel arrangement" between the words "thereunder" and the words "control and co-ordinate."	Rao Bahadur R. R. Kale.
Clause 25	.. In clause 25 (1), for sub-clause (1) substitute the following :— "(1) The Rector, if any ; otherwise the Vice-Chancellor."	The Honourable Dewan Bahadur Harilal D. Desai.
Clause 25	.. For sub-clause 25 (1) (1), substitute the following :— "the Rector, if any, otherwise the Vice-Chancellor : —the Chairman."	Mr. Balak Ram.
Clause 25	.. Section 25 (1) (1) : After "Rector" add "the Chairman."	Mr. H. Hamill.
Clause 25	.. In clause 25 (3) for the words "one of whom is a University Professor" substitute "two of whom shall be University Professors or Readers."	Mr. K. M. Munshi.
Clause 25	.. Add the following as sub-clause (4) to clause 25 (1) of the Bill :  "(4) "Principals of the Constituent Colleges" ..	Dr. B. R. Ambedkar.

Clauses	Amendments	Name of the mover
Clause 25	In place of sub-clause (2) of clause 25 the following shall be substituted :—  “(2) The Board shall be subject to the Act and Statutes, Ordinances and Regulations framed thereunder, control and co-ordinate post-graduate teaching and research to be carried on under the University and shall for that purpose recommend to the Syndicate :— (1) What new Colleges shall be incorporated by the University,  (2) Which of the affiliated colleges shall be declared to be constituent colleges of the University and  (3) What teachers in the colleges shall be recognised as University teachers for post-graduate instruction and research.”	Dr. B. R. Ambedkar.
Clause 28	Section 28. Before “(1)” insert “A” After sub-clause (4) add :—  “B (1) Whenever it is necessary to appoint a Rector a committee of selection shall be formed.  (2) The members of the committee shall be :— (a) The Vice-Chancellor—the Chairman. (b) Two nominated by the Chancellor. (3) The Committee shall investigate the merits of the candidates and shall report to the Syndicate the names arranged in order of merit of persons whom it considers suitable for the post.  (4) The Syndicate shall make the final selection out of the persons, if any, so recommended.”	Mr. H. Hamill.
Clause 31	In section 31 (1) substitute “three-fourths” for “two-thirds.”	Mr. J. C. Swaminarayan.
Clause 32	In clause 32, add a new sub-clause (2) as follows :—  (2) In the said fund, the Government shall contribute annually towards the recurring expenditure of the University Departments a sum equal to the amount of grant-in-aid, contributions and donations provided for in the Budget for the year 1927-28. And  Renumber the original sub-clause (2) as sub-clause (3).	Mr. K. M. Munshi.
Clause 32	Delete clause 32, sub-clause (3)	Mr. F. J. Glinwalla.
Clause 33	In clause 33 (2) (e) and (h) for the words “and the Academic Council” wherever they occur insert the words “the Academic Council and the Board of Post-Graduate Studies.”	Mr. Balak Ram.
Clause 33	In section 33, clause I, sub-clause (a) add at the end :  “so as to prepare for the institution of new Universities.”	Rao Bahadur R. R. Kale.
Clause 34	In section 34 (2) substitute the word “Government” for the word “Chancellor” wherever it occurs.	Mr. J. C. Swaminarayan.
Clause 35	In sub-clause (2) of clause 35 :— (i) after the words “as soon as may be” insert the words “and shall be considered by the Senate at its next meeting”; and  (ii) for the words “the meeting” substitute the words “such meeting.”	Mr. Balak Ram.
Clause 36	In clause 36 (4) add the following at the end : “or sub-section (3).”	The Honourable Dewan Bahadur Harilal D. Desai.

Clauses	Amendments	Name of the mover
Clause 37	.. <i>Amendment to clause 37 (2) (c) :</i> Substitute for paragraph 37 (2) (c), the following :— “ report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (a) and (b)  And the Senate shall after such further inquiry (if any) as may appear to them to be necessary, shall grant or refuse the application or any part thereof.”	Mr. F. J. Ginwalla.
Clause 37	.. Delete clause 37 (3) .. ..	Mr. F. J. Ginwalla.
Clause 37	.. Substitute for clause 37 (4) the following :— If the application or any part thereof is refused, grounds of such refusal shall be stated.”	Mr. F. J. Ginwalla.
Clause 39	.. <i>Section 39. Sub-clause (1) (h) :—</i> Restore the deleted sub-clause and amend the lettering of the next sub-clause accordingly.	Mr. H. Hamill.
Clause 39	.. In clause 39,— (a) in sub-clause (1) (i) in clause (g) omit the word ‘ and ’ ;  (ii) after clause (g) insert the following :— “ (h) that the affiliation of the college, having regard to the provision made for students by other colleges in the same neighbourhood, will not be injurious to the interests of education or discipline : and ”  (b) re-number clause (h) as (i)  (c) in sub-clause (2) after the words “ and the Senate shall, after such further inquiry (if any) as may appear to them to be necessary ” insert the words “ record their opinion on the matter ” and omit the words “ grant or refuse the application or any part thereof ; ”	Mr. Balak Ram.
Clause 39	.. In clause 39 (2) omit all words at the end occurring beginning with “ grant or ” and substitute the words “ record their opinion on the matter.”	Mr. B. V. Jadhav.
Clause 39	.. In clause 39 (2) add a sub-clause (2a) as follows :  “ The Registrar shall submit the application and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such enquiry as may appear to them necessary shall grant or refuse the application or any part thereof.”	Mr. B. V. Jadhav.
Clause 39	.. Sub-clause (2) (c) : Restore the words deleted by the Select Committee.  Sub-clause (original) (3) :—Restore this sub-clause as in the original Bill.  Sub-clause (3) : (a) Restore the original numbering. (b) Restore the deleted words and delete “ decision of the Senate.”	Mr. H. Hamill.
Clause 39	.. (i) after sub-clause (2) insert the following as sub-clause (3), re-numbering the other clauses :— “ (3) The Registrar shall submit the application and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto, to the Government, who, after such further inquiry as may appear to them to be necessary, shall grant or refuse the application or any part thereof ; ” (ii) in sub-clause (3) for the words “ decision of the Senate ” substitute the words “ order of the Government.”	Mr. Balak Ram.



Clauses	Amendments	Name of the mover
Clause 40	.. <i>Amendment to clause 40, sub-clause (4):</i> Substitute for clause 40, sub-clause (4) the following:— "On receipt of the report under sub-section (3), the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, shall make such order as the circumstances in their opinion may require."	Mr. F. J. Glinwalla.
Clause 40	.. Delete clause 40, sub-clause (5) ..	Mr. F. J. Glinwalla.
Clause 42	.. In clause 42 (4) at the end substitute the words 'make such order as the circumstances may require' for the words 'record their opinion in the matter.'	Mr. J. R. Patel.
Clause 42	.. (a) In clause 42 sub-clause (4):— <i>delete</i> the words "after such further inquiry (if any) as may appear to them to be necessary." (b) In clause 42, sub-clause (5): <i>delete</i> the words from "The Registrar shall submit.....to.....the word shall (both inclusive)."	Mr. K. M. Munshi.
Clause 42	.. Omit the words "record their opinion in the matter." from sub-clause (4), and the words commencing from "(5) The Registrar....." and ending with the words "necessary, shall" from the sub-clause (5) of the clause 42.	Mr. P. R. Chikodi.
Clause 42	.. Delete sub-clause (5) in clause 42. and re-number sub-clause (6) as (5).	Mr. J. R. Patel.
Clause 42	.. In section 42, drop all the words occurring between the word 'necessary' in sub-section (4) and the word 'shall' in sub-section (5).	Mr. J. C. Swaminarayan.
New Chapter 12A	.. Add "Chapter 12 (A).  <i>Statutory Grants</i> The Government shall provide a grant of Rs. 5 lakhs per annum to the University to enable the University to provide greater facilities for higher education and to conduct post-graduate teaching and research in all branches of learning including technology."	Mr. F. J. Glinwalla.
Clause 44	.. In section 44, delete the words 'of any provision of this Act or'—	Mr. J. C. Swaminarayan.
Clause 47	.. In clause 47 (original clause 44), sub-clause (1): <i>Delete</i> the words "of any provision of this Act or."	Mr. K. M. Munshi.
Clause 47	.. Omit the words "of any provision of this Act or" from the clause 47 (1)	Mr. P. R. Chikodi.
Clause 47	.. In clause 47 (original clause 44), sub-clause (1), <i>delete</i> the words "and his decision shall be final."	Mr. K. M. Munshi.
Preamble	.. Insert the following in the Preamble as the last but one clause beginning with "And where as.....sanction, etc.":	
Cf. cl. (n) of sec. 33 of this Bill.	.. "And whereas it is desirable by the concentration and co-ordination of resources for higher teaching and research at suitable centres, outside the limits of the University, to facilitate the extension of University teaching by the institution of new Universities or other wise."	Rao Bahadur R. R. Kale.

**NOTICE OF MOTION TO AMEND STANDING ORDERS***Motion No. III of 1927*

Under Standing Order IX (1) of Standing Orders of the Bombay Legislative Council, notice of the following amendment has been received from Mr. J. C. Swaminarayan, M.L.C. :—

“ For Standing Order II, 3 (2) substitute the following :—

‘ On the prorogation of a session all pending notices shall be carried over to the pending list of business of the next session.’ ”

N. J. WADIA,

Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 6th September 1927.

Thursday, the 29th September 1927

The Council met at the Council Hall, Poona, on Thursday the 29th September 1927, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
AHMAD, MOULVI RAFIUDDIN  
AMBEDKAR, Dr. B. R.  
AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
ASAVALE, Mr. R. S.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BHOSLE, Mr. M. G.  
BHURGRI, Mr. J. W.  
BHUTTO, Khan Bahadur S. N.  
BOLE, Mr. S. K.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DABHOLKAR, Sir VASANTRAO  
DASTUR, Khan Bahadur F. M.  
DAWOODKHAN SHALEBHOY, Mr.  
DESAI, the Honourable Dewan Bahadur HARILAL D.  
DESAI, Mr. J. B.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GUNJAL, Mr. N. R.  
HAMILL, Mr. H.  
HARRISON, Mr. R. T.  
HATCH, Mr. G. W.  
JADHAV, Mr. B. V.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
JONES Major W. ELLIS  
JOSHI, Mr. S. C.  
KALE, Rao Bahadur R. R.  
KAMBLI, Rao Bahadur S. T.  
KARKI, Mr. M. D.  
LALJI NARANJI, Mr.  
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
LIGADE, Mr. S. P.

MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Swearing in of new members.

Mr. W. W. Smart then made the prescribed oath of allegiance to His Majesty the King-Emperor, and took his seat in the Council.

The Honourable the PRESIDENT: I have now to nominate four chairmen for this session and I do so by nominating the following honourable members to serve as chairmen for the current session :—

1. Sir Leslie Hudson.
2. Mr. B. G. Pahalajani.
3. Moulvi Rafiuddin Ahmad.
4. Mr. N. E. Navle.

I have next to announce the Acts which have received the sanction of His Excellency the Governor General since the close of the last session : They are as follows :—

- (1) An Act further to amend the City of Bombay Improvement Trust Transfer Act, 1925.

(2) An Act further to amend the Aden Civil and Criminal Justice Act, 1864.

Questions.

#### TOBACCO LICENSE

Dr. B. R. AMBEDKAR : Will Government be pleased to state—

(a) whether one Narayan Sakharam had applied to the Superintendent of Excise, Tobacco Department, for license to sell tobacco ;

(b) whether his application was refused although the applicant was a military pensioner and was recommended for license by the Officer Commanding the 117th Rajputs ;

(c) the reasons why his application was refused ;

(d) whether the application was refused on account of the fact that the applicant belonged to the depressed classes ;

(e) whether they make any caste discrimination in the matter of issuing licenses ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) Tobacco licenses are only granted to persons in really indigent circumstances who are unable to earn a livelihood by any other means. The person referred to by the honourable member was reported to be quite fit to earn his livelihood in other ways. He was therefore refused a license.

(d) No.

(e) No.

Dr. B. R. AMBEDKAR : Is this in accordance with the rules laid down by the department in the matter of tobacco licences ?

The Honourable Mr. J. L. RIEU : I do not think that there are any specific rules on the subject, but that is the practice.

Dr. B. R. AMBEDKAR : May I know whether this particular question refers to the honourable member's department or to the department under the Excise Minister ?

The Honourable Mr. J. L. RIEU : This refers to the Revenue Department. Tobacco licences are given out by the Collector of Bombay.

#### CROPS : FAILURE IN WEST KHANDESH

Mr. M. G. BHOSLE (West Khandesh District) : Will Government be pleased to state—

(a) whether they are aware of the fact that there is a failure of rabi crops in West Khandesh ;

(b) if so, what remissions or suspensions of revenue they have granted there ;

(c) what other measures of relief they intend to take ?

The Honourable Mr. J. L. RIEU : (a) Owing to lack of rain in October in part of the district the crops were not good, but they cannot be said to have failed. Wheat suffered most, but Jowari on the whole was very fair and in places up to the normal standard.

(b) No remissions or suspensions of land revenue were given, as in no rabi village was the final annewari below six annas.

(c) No relief measures were necessary and none was taken.

#### LABOUR RECRUITS FOR ASSAM FROM WEST KHANDESH

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(1) whether they are aware that agents of European tea planters from Assam have been active to secure labourers in West Khandesh for some months past ;

(2) whether they are aware that complaints have been made in the local papers about the methods by which these recruits are induced to go to Assam ;

(3) how many such labourers have been so far obtained by the Agents from West Khandesh ;

(4) to what castes they belong ;

(5) whether they or the Collector of the District have received any complaints from the recruits themselves ?

The Honourable Sir CHUNILAL V. MEHTA : (1) Yes.

(2) No.

(3) 245.

(4) Bhils and Mavchis.

(5) No.

#### REVISED PENSION RULES

Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(a) whether it is a fact that revised pension rules have been recently sanctioned for the subordinate services ;

(b) if so, whether they have been communicated to the establishments concerned ;

(c) if not, when the necessary orders will be issued ;

(d) if no revised rules have yet been sanctioned, when the sanction is likely to be given.

The Honourable Sir CHUNILAL MEHTA : (a) No.

(b) Does not arise.

(c) and (d) No definite date can be given.

Mr. JAIRAMDAS DOULATRAM : May I inquire whether this matter is under the consideration of Government ?

The Honourable Sir CHUNILAL MEHTA : Yes.

Mr. JAIRAMDAS DOULATRAM : Since when ?

The Honourable Sir CHUNILAL MEHTA : It has been under the consideration of Government for the last three or four months. I may inform the honourable member that there is a suggestion that the pension rules of all the provinces might be considered in Delhi in November next. That is why delay has taken place.

## GRANTS TO TEMPLES

Mr. S. K. BOLE : Will Government be pleased to publish a list of the temples to which a grant is paid by Government with the nature and amount of grant paid to each such temple ?

The Honourable Mr. J. L. RIEU : The honourable member is referred to the question put by the honourable member Mr. Pawar in the last session of the Council.\*

## LIQUOR SHOP, DADAR

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether they are aware of the public meeting of the residents of Dadar held on 4th June 1927 protesting against the extension of time granted to the foreign liquor retail shop near the junction of Dadar Road and Naigam Road, Bombay, and urging upon Government to remove the shop from the locality ;

(b) if so, what steps they have taken in the matter ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) The matter is under consideration.

Mr. S. K. BOLE : Since when ?

The Honourable Mr. G. B. PRADHAN : Since the report of the resolution was received.

## RAILWAY STATION AT KASUDI

Mr. DAWOODKHAN SHALEBHOY (Northern Division) : Will Government be pleased to state—

(a) whether they are aware of the fact that the President of the Timber Merchants Conference of Godhra applied to the Railway authorities for opening a station at the Inami village of Kasudi in Godhra Taluka for loading and unloading goods ;

(b) if answer to (a) is in affirmative, how this application has been disposed of ;

(c) whether they are aware of the necessity for opening this station for loading and unloading ?

The Honourable Mr. J. L. RIEU : Enquiries are being made.

\* Printed in the 10th List of the last session. The following question with its answer was printed in the 10th list of the last session :

## DEVASTHANS

1. Mr. S. J. PAWAR (Poona District) : Will Government be pleased to furnish a list of temples of devastthans getting jahagirs, inams or cash allowances for their maintenance from Government ?

The Honourable Mr. J. L. RIEU : The compilation of the information would involve an expenditure of time and labour incommensurate with its possible utility from the public point of view. Government therefore regret they are not prepared to obtain the information. If the honourable member specifies in a fresh question any particular devastthan or devastthans in respect to which information is required, efforts will be made to obtain it.

## REVISION ASSESSMENTS

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to give the following information as regards the revision of assessments made after 15th March 1924—

(a) the date of notification in the form of appendix XVI to the Land Revenue Code as required by Government Resolution No. 7447, dated 21st October 1886;

(b) the date of notification in the form of Appendix XVII to the Land Revenue Code as required by Government Resolution No. 7447, dated 21st October 1886;

(c) the year of expiry of the old settlement;

(d) the date and year of the introduction of the survey settlement under section 103 of the Land Revenue Code as required by Government Resolution No. 8057, dated 22nd December 1900;

(e) the year of levy under section 104;

(f) the year of announcement of the new assessment made number by number as required by Government Resolution No. 6593, dated 19th October 1900;

(g) whether any such announcement was made in the Satara district?

The Honourable Mr. J. L. RIEU: (a) As field operations (measurement or classification) are no longer carried out, whilst the settlements of talukas are being revised, no such notification is now issued.

(b), (c), (d) and (e) The appended statement gives the information required.

(f) and (g) The year of announcement is the same as that given in the statement in answer to clause (d), but the announcement is not now made survey number by survey number. A notice is given to the whole village that the present rates of all fields are raised or lowered, as the case may be, by so many annas in the rupee. Hence no announcement was made number by number in the Satara District.

*Answers to questions (b), (c), (d) and (e)*

Taluka	(b)	(c)	(d)	(e)
Gogha ..	25th September 1923 ..	1921-22 ..	1923-24	1924-25
North Daskrol ..	} Will be notified by the end of July 1927.	1918-19 ..	} 1926-27	1927-28
Sanand ..		1921-22 ..		
Viramgam ..		1919-20 ..		
Prantij ..		1921-22 ..		
Modasa ..		1921-22 ..		
Kalol ..	Between 12th and 30th July 1926 ..	1922-23 ..	} 1925-26	1926-27
Dohad ..	Between 15th and 25th July 1926 ..	1924-25 ..		
Jhalod ..	21st July 1926 ..	1923-24 ..		
Halol ..	22nd July 1926 ..	1922-23 ..		
Murbad ..	Between 16th and 19th July 1926 ..	1924-25 ..		
Ambarnath ..	28th July 1926 ..	1924-25 ..	} 1924-25	
Kalyan ..	21st July 1926 ..	1924-25 ..		



Taluka	(b)	(c)	(d)	(e)
Bhiwandi ..	Will be notified by end of July 1927.	1925-26 ..	1926-27	1927-28
North Salsette ..		1926-27 ..		
South Salsette ..		1926-27 ..		
Challisaon ..	Between 17th and 27th July 1926.	1925-26 ..	1925-26	1926-27
Sindkheda ..	Between 23rd and 30th July 1924 ..	1922-23 ..	1923-24	1926-27
Khataw ..	Between 19th and 27th July 1926 ..	1919-20 ..	1925-26	1926-27
Man ..	Between 19th and 25th July 1926 ..	1919-20 ..		
Khanapur ..	Between 21st and 30th July 1926 ..	1920-21 ..		
Koregaon ..	Between 17th and 25th July 1926 ..	1921-22 ..		
Wal and Khandala ..	Between 18th and 28th July 1926 ..	1922-23 ..		
Javli and Malcom-Peth.	Between 19th and 27th July 1926 ..	1923-24 ..		
Satara ..	Between 23rd and 27th July 1926 ..	1923-24 ..		
Patan ..	Between 21st and 27th July 1926 ..	1924-25 ..		
Karad ..	Between 16th and 24th July 1926 ..	1924-25 ..		
Valva and Shirala ..	Between 16th and 26th July 1926 ..	1925-26 ..		
Mulshi Peta ..	Will be notified by end of July 1927.	1922-23 ..	1926-27	1927-28
Panvel ..	Between 17th and 30th July 1923 }	1922-23 ..	1922-23	1923-24
Uran ..	Between 16th and 22nd July 1923 }			
Pen ..	Between 18th and 25th July 1926 ..	1923-24 ..	1925-26	1926-27
Alibag ..	24th July 1926 ..	1923-24 ..		
Roha ..	26th July 1926 ..	1923-24 ..		
Mandangad ..	Between 25th and 31st July 1926 ..	1924-25 ..		
Rajapur ..	Between 18th and 26th July 1926 ..	1919-20 ..		
Devgad ..	Between 25th and 31st July 1926 ..	1921-22 ..		
Khed ..	Between 22nd and 30th July 1926 ..	1924-25 ..		

## WATER-RATE REMISSION : SARAJPUR

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(a) whether remission on account of pat bandhara water-rate was given to the villagers of Sarajpur in taluka Javli, district Satara, in the years 1924-25 and 1925-26;

(b) what was the total amount due on account of such water-rate;

(c) what was the amount that was remitted;

(d) whether any local cess was collected on the water-rate that was remitted;

(e) what was the total amount of local cess so collected?

The Honourable Mr. J. L. RIEU: (a) Yes, but only in the year 1925-26.

(b) Rs. 573-8-0.

(c) Rs. 511-12-7.

(d) No.

(e) Does not arise.

## REGISTRATION : SUPPLY OF COPIES

Dr. M. K. DIXIT (Surat District): Will Government be pleased to state—

(a) whether copies of documents were allowed to intending parties before they were copied in the Register Books *before copying by photography was introduced in the Registration Department* ;

(b) whether there was a provision under the old rules and orders of the department and there is a provision in the new rules and orders contained in the Manual of the Department for the grant of such copies :

(c) whether there is any order of the department subsequent to the publication of the new manual forbidding the grant of such copies, if so, whether that order was issued after the introduction of photo-copying system ;

(d) if so, why is this right and facility given to the public from old times taken away from the public ;

(e) whether there is any legal objection to grant copies of documents before they are copied in Register Books, and, if so, what and whether that objection came to the notice of the department after the introduction of copying by photography ;

(f) whether the grant of such copies (before documents are copied) is forbidden on account of the absence of original documents (which are sent to the photo office) in the sub-registrar's office ?

The Honourable Mr. G. B. PRADHAN : (a) Before the year 1926 copies of documents tendered for registration were granted prior to registration.

(b) There was a provision for the grant of such copies under the old orders of the Registration Department which have been repeated in the Bombay Registration Manual, 1925.

(c) and (d) The orders were withdrawn in February 1926, as they were found to be illegal. The withdrawal had no connection with the introduction of the photo-copying system.

(e) There is no provision in the Indian Registration Act empowering a registering officer to give copies of documents tendered for registration before they are registered.

(f) Does not arise.

## SCHOOL BOARDS AND LOCAL AUTHORITIES

Dr. M. K. DIXIT (Surat City): Will Government be pleased to state—

(a) whether they are aware that a difference of opinion exists between Local Authorities and their school boards in some places ;

(b) whether they have inquired into the matter with a view to find out the real causes of such differences ;

(c) if so, what the causes are ;

(d) what action they propose to take to rectify this unhappy state of affairs ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) The answer is in the affirmative.

(c) The difference of opinion in question is chiefly in regard to the interpretation of the term "general control" occurring in section 4 (1) of the Bombay Primary Education Act, 1923. Some Local Authorities apparently wish to exercise a detailed check over their School Boards and to interfere with their administration either on financial grounds, or on the strength of this "general control" vested in the Local Authority by section 4 (1) of the Bombay Primary Education Act, 1923. In the informal conferences of Chairmen and Administrative Officers, etc., held in August and September last, there was a strong consensus of opinion that it was necessary to give full powers to the School Boards and to secure them from undue interference on the part of their Local Authorities.

(d) Copies of the opinion of the Remembrancer of Legal Affairs explaining the nature of the general control which a local authority can exercise over its School Board have been communicated to all Local Authorities. In the present state of the law no further action is possible.

#### PLATFORM AT SHELARWADI STATION

Mr. N. R. GUNJAL (Poona District) : Is Government aware that there is no platform at the Shelarwadi station for the convenience of the pilgrims to Dehu ?

The Honourable Mr. J. L. RIEU : There is no high level platform but the Railway authorities state that arrangements are in progress to build such a platform at this station.

#### CO-OPERATIVE SOCIETIES : HELP TO AGRICULTURISTS

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state—

(a) whether their attention has been drawn to leaflet No. 15 issued by the Registrar, Co-operative Societies, Burma, giving an abstract of provisions of the Civil Procedure Code and of the Provincial Insolvency Act which protect agriculturists from harassment from their creditors ;

(b) whether any action has been taken by the Registrar, Co-operative Societies, Bombay, for issuing a leaflet on the same subject ?

The Honourable Mr. G. B. PRADHAN : (a) and (b) A copy of the leaflet has been obtained by the Registrar of Co-operative Societies, Bombay Presidency. He does not consider the publication of a similar leaflet to be necessary in this Presidency.

#### ROYALTY TREES : SALE TO KHATEDARS

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to give the names of the districts in which, and the year of their order by which, their right to teak, black-wood and sandal trees standing in occupied lands was sold to the khatedars ?

The Honourable Mr. J. L. RIEU : Information has been called for.

## DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE STAFF

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state—

(a) the number of gazetted officers in the Director of Public Instruction's office and to state how many of these belong to the Hindu intermediate or backward communities ;

(b) the number of non-gazetted clerks in the office of the Director of Public Instruction and how many of them are Muhammadan and how many from the Hindu intermediate or backward communities ;

(c) whether it is a fact that in a temporary vacancy a Deccani Brahmin from Sind was imported to fill it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (c) Already replied to.

(b) The first part of this question has already been answered. As regards the latter part, two of the total number of clerks are Muhammadans and two are Shimpis.

## SCHOOL BUILDINGS, PITHORO

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that the district local board of Thar and Parkar had constructed a building for a Madressah and Muslim boarding house at Pithoro some years ago ;

(b) whether the Madressah was subsequently taken over and removed by Government to Mirpurkhas ;

(c) the amount spent on the buildings of the institution by the board and by Government ;

(d) the rent, if any, now received by the board for the buildings ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) Yes.

(c) Rs. 20,369 were spent by the Board and Rs. 21,698 by Government ;

(d) The building of the Madressah was let out at a monthly rent of Rs. 25 from 1st May 1925 for a period of 12 months. The building remained occupied for 10 months. No rent has however yet been received by the Board.

Mr. JAIRAMDAS DOULATRAM : May I enquire to whom this building was let out on rent ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I will require notice of that question.

Mr. JAIRAMDAS DOULATRAM : Have any steps been taken to recover this rent ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is for the local board.

## SIND JAGIRDARS : ZAMINDARI TENURE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the number of Jagirdars in each taluka in Sind who have been granted land on Zamindari tenure in each of the last ten years ;

(b) how many of these were Hindus and how many were Muslims ;

(c) the total acreage of land in each taluka thus granted to Hindus and Muslims (separately) during the last ten years ?

The Honourable Mr. J. L. RIEU: (a), (b) and (c) The appended statement furnishes the information required.

*Statement showing the number of jagirdars who have been granted land on zamindari tenure in each taluka in each of the last ten years*

Taluka	Year of grant	No. of jagirdars		Total acreage of land granted to		Remarks
		Mussal- mans	Hindus	Mussalmans	Hindus	
<i>Karachi District</i>						
Shahbunder ..	1916-17 ..	1	..	A. g. 1 22	..	
Manjhand Mahal.	1917-18 ..	1	..	73 36	..	
Kotri ..	1922-23 ..	1	..	56 31	..	
Mirpur Sakro ..	1916-17 ..	1	..	91 11	..	
	1917-18 ..	1	..	9 5	..	
	1919-20 ..	1	..	33 18	..	
	1920-21 ..	1	..	23 0	..	
Karachi ..	1917-18 ..	1	..	22 1	..	
<i>Hyderabad District</i>						
Tando Bago ..	1916-17 ..	2	..	367 16	..	
	1917-18 ..	2	..			
	1918-19 ..	1	..			
	1919-20 ..	1	..			
	1923-24 ..	1	..			
	1924-25 ..	1	..			
Dero Mohabat ..	1922-23 ..	1	..	124 21	..	
<i>Sukkur District</i>						
Shikarpur ..	1916-17 ..	1	..	71 1	..	
	1919-20 ..	1	..	108 14*	..	
<i>Larkana District</i>						
Kakar ..	1921-22 ..	1	..	32 19	..	
	1924-25 ..	1	..	32 19	..	

\* The jagir was tenable for 25 years. It lapsed in 1919-20 to Government and was granted as rayati to the same person.

Taluka	Year of grant		No. of jagirdars		Total acreage of land granted to			Remarks
			Mussal- mans	Hindus	Mussalmans	Hindus		
<i>Nawabshah District</i>					A.	g.		
Nawabshah ..	1916-17 ..	4	..	133	0	..		
	1917-18 ..	4	..	13	0	..		
	1918-19 ..	4	..	8	0	..		
	1920-21 ..	4	..	47	0	..		
	1921-22 ..	4	..	47	0	..		
	1923-24 ..	4	..	46	0	..		
<i>Thar Parkar District</i>								
Digri .. ..	1917-18 ..	2	..	35	24	..		
	1921-22 ..	2	..	6	37	..		
	1923-24 ..	2	..	6	33	..		
<i>Upper Sind Frontier District</i>								
Thul .. ..	1917-18 ..	1	..	6	25	..		
	1925-26 ..	1	..	7	39	..		
Kandhkot ..	1924-25 ..	1	..	100	2	..		
Kashmor ..	1916-17 to 1923-24	1	..	247	23*	..		
Jacobabad ..	1924-25 ..	1		11	30†	..		

\* It was granted on Khas mokal and was then discontinued from 1924-25.

† This was granted to the jagirdar in exchange for his jagir land taken up for a road

#### PAD-IDAN-NAUSHAHRO ROAD

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that the Pad-Idan-Naushahro road has latterly gone out of repair;

(b) whether it is a fact that there is a large amount of motor traffic on that road;

(c) whether any proposals for the improvement of the road is under the consideration of Government;

(d) when do Government expect to undertake the work of improving this road?

The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH: (a) The road is not out of repair excepting in certain soft portions which are being repaired.

(b) Yes.

(c) Government have sanctioned an estimate amounting to Rs. 33,000 for improvements to the road.

(d) The improvements referred to in (c) are being carried out.

## PROVINCIAL SERVICES : SELECTION COMMITTEES

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

- (a) whether it is a fact that selection committees have been constituted for some of the Provincial Services in the Presidency;
- (b) what is the composition of each of these committees;
- (c) what is the tenure of office of the members of these committees?

The Honourable Sir CHUNILAL MEHTA: (a) Yes.

(b) and (c) (1) The Selection Committees for the Judicial Branch of the Bombay Civil Service consist—

(i) in the Presidency proper of not more than five members, three being ordinary High Court Judges, with the senior Judge as Chairman, and two Sub-Judges or Practising Barristers or Advocates or Pleaders;

(ii) in Sind. of not more than five members appointed by the Judicial Commissioner in Sind who is an *ex-officio* member and Chairman of the Committee. Out of the remaining four members—

two are ordinary additional Judicial Commissioners and two are District Judges, or Sub-Judges or Practising Barristers or Advocates or Pleaders.

(2) For the Bombay Police Service the selection committees are—

(i) in the Presidency proper five members comprising—

- 1 the Inspector General of Police.
- 1 the Deputy Inspector General of Police, Southern Range.
- 1 the Director of Public Instruction.
- 2 non-officials.

—  
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(ii) in Sind three members comprising—

- 1 the Commissioner in Sind
- 1 the Deputy Inspector General of Police, Sind.
- 1 Police officer suggested by the Commissioner in Sind.

2. These committees for the Judicial and Police Services are not permanently constituted, but they are appointed whenever candidates have to be selected for recruitment.

3. *The Bombay Educational Service.*—The Provincial Committee for the selection of recruits for the Bombay Educational Service was constituted in 1920, and is composed of—

Three officials:

- 1 the Director of Public Instruction;
- 1 the Senior Educational Inspector;
- 1 an experienced Principal of a Government college.

Two non-officials:

- 1 Hindu
- 1 Muhammadan

{ Educationists occupying representative positions in their respective communities.

4. The non-officials hold office for three years but are eligible for re-appointment.

5. *The Bombay Service of Engineers*.—The selection committee is composed of the following :—

- |  |            |
|--|------------|
| 1 the Chief Engineer and Secretary or Joint Secretary to Government, Public Works Department, is the <i>Chairman</i> ; |            |
| 1 the Principal, College of Engineering, Poona, is the Secretary and Member ;  |            |
| 1 the Principal, N. E. D. Civil Engineering College, Karachi.  | } Members. |
| 2 officers of the Indian Service of Engineers,   |            |
| 2 non-officials with science or engineering qualifications.  |            |

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6. The period of the appointment of the Members is three years (since 1926).

7. Information about other committees has been called for.

#### LLOYD BARRAGE : ENGAGEMENT OF AN EXPERT

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) what stage the negotiations for bringing out an expert to advise Government as to the methods of construction of the Barrage have reached ;

(b) when they expect that the expert will commence his work ;

(c) what is estimated to be the cost of the employment of such expert ?

The Honourable Sir COWASJI JEHangIR : The matter is still under consideration.

Mr. JAIRAMDAS DOULATRAM : Is it suggested that the question of the appointment of an expert is under consideration or the question of his selection ?

The Honourable Sir COWASJI JEHangIR : In the affirmative.

The Honourable the PRESIDENT : The question was whether the question of the appointment of an expert is under consideration or that of his selection.

The Honourable Sir COWASJI JEHangIR : What is the honourable member's question ?

Mr. JAIRAMDAS DOULATRAM : I thought the Honourable the President had made it clear. My question was : Is the question of the very appointment of an expert under consideration or only the matter of selecting a proper person is under consideration ?

The Honourable Sir COWASJI JEHangIR : The latter.



## PROHIBITION : KAY COMMITTEE REPORT

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased—

(a) to state whether they have finished the consideration of the report of the Kay Committee regarding the financial aspect of the Prohibition policy ;

(b) to place a copy of the report of the Committee on the Council table ?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) Copies of the Report have been furnished to all the Member of this House.

## DISTRICT LOCAL BOARD, HYDERABAD : PROFESSIONAL TAX

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the number of non-official Hindu and Muslim members (separately) of the district local board of Hyderabad ;

(b) whether it is a fact that the district local board of Hyderabad has recently resolved to impose a professional tax ;

(c) whether it is a fact that some Hindu members of the board objected that the tax was deliberately intended to fall on Hindus and that it was besides open to other objections ;

(d) whether it is a fact that a number of professions mostly followed by Muslims was exempted from the tax ;

(e) whether it is a fact that several hundreds of Hindu shopkeepers sent in objections to the proposed tax ;

(f) whether it is a fact that when the tax proposals came up before the board for final sanction the Hindu members moved for the adjournment of the question but the motion was defeated by Muslim majority ; that they then moved that the tax be not put in view of the objections received but they lost the motion ; that they then moved for the reduction of the scale of taxation from Rs. 10, 5 and 3 to Rs. 5, 3 and 1 but the motion was thrown out ; that they then moved for the reduction of the scale to Rs. 8, 4 and 2 but with no success ; that they also moved that a low rate of Rs. 2 be imposed on professions of Muslims, e.g., blacksmiths, carpenters, weavers and potters, but the motion was rejected ;

(g) whether it is a fact that the professional tax as originally proposed at the meeting was sanctioned, all Hindu members present voting against it ?

The Honourable Sir GHULAM HUSSAIN : (a) 8 non-official Hindus and 21 Muslims.

(b) and (c) Yes.

(d) Yes, but some of the professions followed by Hindus have also been exempted.

(e) to (g). Yes.

Mr. JAIRAMDAS DOULATRAM : With reference to the reply to clause (d), will Government specify the professions referred to ?

The Honourable Sir GHULAM HUSSAIN : Hawkers.

Mr. JAIRAMDAS DOULATRAM : On what grounds were they exempted ?

The Honourable Sir GHULAM HUSSAIN : Because they do not earn much.

#### SCHOOL BOARD, SATARA

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) why it was thought necessary to make nominations to the School Board of the Satara city local authority, when different communities were already represented on the Board by election ;

(b) the educational qualifications of the members so nominated ;

(c) whether men of better and higher qualifications were not available for nomination ;

(d) whether the nominations were made on the recommendations of the President of the local authority or the Collector of the district, or the Educational Inspector, C. D. ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a), (c) and (d) Government are not prepared to specify the persons they consult or to state in detail the reasons which influence them in making nominations to a School Board since selection is at their discretion. Broadly speaking, their choice is governed by a desire to secure a Board which is truly representative of the area within the jurisdiction of the Board.

(b) The members nominated on the School Board of the municipality do not possess any special educational qualifications but all of them can read and write Marathi well. One of them, Mr. Ramchandra Malhari Shinde, had worked as a school master in his private school for about 20 years.

Rao Bahadur R. R. KALE : With regard to (a), the answer is “ their choice is governed by a desire to secure a board which is truly representative of the area within the jurisdiction of the board.” May I know what is meant by truly representative ? In what sense, the communal sense ?

The Honourable Dewan HARILAL D. DESAI : Not only in the communal sense, but in every sense. Sir, the honourable member cannot expect me to define exhaustively the various grounds that occur from time to time. I say every manner of consideration is considered when considering the question whether a particular person is a representative of the area or not.

Rao Bahadur R. R. KALE : With regard to answer (b), what standard did the teacher mentioned teach ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I would require notice of that question.

## EXCISE ADVISORY COMMITTEE, SATARA DISTRICT

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(a) whether there are any, and if so how many, liquor contractors or liquor shopkeepers on the advisory local excise committees in the Satara District ;

(b) how many meetings were held of such committees in each year during the last five years ; and whether non-official and non-liquor contractor or shopkeeper members were given any voice in controlling the liquor shops within their jurisdiction ?

The Honourable Mr. G. B. PRADHAN : (a) The number of Excise licensees on the Excise Advisory Committees in the Satara District is as shown below :—

(1) Excise Advisory Committee for the Satara City Municipality	..	..	..	..	2
(2) Excise Advisory Committee for the Satara Suburban Municipality	..	..	..	..	1
(3) Excise Advisory Committee for the Islampur Municipality	..	..	..	..	1
(4) Excise Advisory Committee for the Mahableshwar Municipality	..	..	..	..	1
(5) Excise Advisory Committee for the Khatav Taluka Local Board	..	..	..	..	1
(6) Excise Advisory Committee for the Walwa Taluka Local Board	..	..	..	..	2
(7) Excise Advisory Committee for the Karad Taluka Local Board	..	..	..	..	1
(8) Excise Advisory Committee for the Patan Taluka Local Board	..	..	..	..	1

(b) The following number of meetings of the Excise Advisory Committees was held in each of the last five financial years :—

1922-23	..	..	..	..	Nil.
1923-24	..	..	..	..	Nil.
1924-25	..	..	..	..	6
1925-26	..	..	..	..	3
1926-27	..	..	..	..	17

Non-officials and persons not interested in the liquor trade had every opportunity of being heard on all matters brought before the Committee for consideration.

Rao Bahadur R. R. KALE : With regard to the last part of the answer, it is stated that non-officials and persons not interested in the liquor trade had every opportunity of being heard on all matters. My question was whether they had any voice in controlling the actions of the excise committees.

The Honourable Mr. G. B. PRADHAN : I can tell the honourable member that the different committees consist of, first, Satara city municipality, 10 elected members ; Satara suburban municipality 9 ;

Mahableshwar municipality 9 ; Khatav taluka local board 12 ; Walwa taluka local board 12 ; Patan taluka local board 12. So, all these persons are not interested in the liquor trade and are non-official persons who are elected on the advisory committees.

Rao Bahadur R. R. KALE : The question is : Are they able to control whether they are able to control, the actions of the excise committees ?

The Honourable Mr. G. B. PRADHAN : The representatives express their views.

#### POSTAL CASH CERTIFICATES UNCLAIMED IN SATARA AND NAGAR DISTRICTS

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to lay on the Council table a statement showing the amount of the postal cash certificates issued in the districts of Satara and Nagar prior to 1918 which have remained unclaimed after the expiry of the period of maturity mentioned therein ?

The Honourable Mr. J. L. RIEU : The amounts representing the face value of such postal cash certificates are as follows :—

	Rs.			
Satara .. .. .	..	..	..	1,70,420
Ahmednagar .. .. .	..	..	..	54,670

Rao Bahadur R. R. KALE : Will Government be pleased to state how this amount is to be utilised ? To what account is it debited ?

The Honourable Mr. J. L. RIEU : That question concerns the Imperial Government.

#### FIRST CLASS MAGISTRATE, ISLAMPUR

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state -

(a) whether they are aware that there had been a first class magistrate at Islampur in the Walva Taluka in the Satara District for the last 30 years and that there has been no first class magistrate there for the last year or so and that the people of that taluka have been put to a great inconvenience on that account ;

(b) what steps they intend to take to remedy the grievance ?

The Honourable Mr. J. L. RIEU : (a) and (b) Between 1910 and 1920 the Mamlatdar of Walva, whose headquarters are at Islampur, was a First Class Magistrate. In 1920 a Resident Magistrate was appointed at Islampur. In 1921 the Resident Magistrate was moved to Karad, where he has worked ever since. Karad is only 19 miles from Islampur, and a regular public Motor Service runs between the two places. Therefore since 1921 there has been no need to provide a First Class Magistrate at Islampur. Seven different Mamlatdars have served at Islampur since 1920 ; of these two only were First Class Magistrates.

A Resident Magistrate of the First Class at Karad is a greater convenience to the inhabitants of Islampur than a touring Magistrate (*i.e.*, a Mamlatdar) of the First Class at Islampur itself.

Karad was selected as the location for a Resident Magistrate in preference to Islampur because it was on the Railway and was more centrally situated. The Resident Magistrate, Karad, takes the first class cases of Walva and Karad talukas.

Rao Bahadur R. R. KALE : Are there any reasons why a first class magistrate was not appointed ? Was he not available at Karad ? My question is whether any person possessing the first class powers was not available and therefore he was not appointed, or whether Government had any other idea in view.

The Honourable Mr. J. L. RIEU : I am not fully aware of the facts, but I presume that it was owing to considerations of administrative convenience that a mamlatdar not possessing first class power had to be appointed to the Walva taluka.

#### POT-HISSA SURVEY FEES

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) whether they are aware that the present system of assessing “ the pot hissa survey fees ” on the average annual work of the survey party as a whole throughout a particular tract presses hard upon the ryots of individual villages ;

(b) whether they propose to modify the present system so as to levy the cost incurred in each village according to the work done in that village, so that each village will be liable according to the benefit derived by it ?

The Honourable Mr. J. L. RIEU : (a) The system of assessing pot hissa survey fees is not as stated by the honourable member. The method of assessing these fees is that the total cost for the season or work done in a particular block or tract of villages is first ascertained and the cost is then assessed or distributed over the hissass, not at a uniform rate, but according to the size and value of these hissass. The cost of survey fees does not, therefore, press unduly hard on any one.

(b) No.

#### PARASNIS MUSEUM

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) whether they are aware that the Parasnisi Museum at Satara is not open to students of historical research and that even permission to peruse the manuscripts and documents in the Museum is refused by the Collector of Satara to visitors like the well-known Historian Mr. G. S. Sardesai of Baroda on the ground that there is no competent officer to accompany the gentleman into the Museum ;

(b) whether, having regard to the fact that a large amount has been spent on the building and equipment of the Museum and the annual grant of Rs. 200 per month sanctioned for the Parasnisi family in the last budget, they propose to make some provision for the employment of a suitable staff to look after the Museum so that such contingencies as referred to above may not occur in future ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Mr. Sardesai made no request himself to the Collector. A local gentleman verbally asked on his behalf whether Mr. Sardesai could be let examine the manuscripts. These are believed to be valuable documents. They are sealed up in bundles, the contents of which have not been yet accurately determined. No Curator has yet been appointed for supervising the giving out of the manuscripts for research and ensuring their safe return. Until the manuscripts have been examined and listed by an expert staff, and arrangements are made for their being inspected under regular rules and supervision, they cannot be allowed to be handled by students at present.

The Collector, however, has arranged to show any reputable person over the Museum building, where he can see old engravings, pictures, maps, books, etc., which are exhibited.

(b) This part has been replied to.

Rao Bahadur R. R. KALE : There is no answer to my question whether Government are aware that the Parasnis Museum is not open to students of historical research.

The Honourable Dewan Bahadur HARILAL D. DESAI : That matter awaits the final completion of the agreement between Government and the family of the late Rao Bahadur Parasnis.

Mr. P. R. CHIKODI : When is a curator going to be appointed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : After the agreement is entered into with the Parasnis family.

Mr. P. R. CHIKODI : Will it take one or two years ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That depends upon the heir of Rao Bahadur Parasnis. The deed has been drafted. Whatever time he takes in signing the agreement will be the time which will be taken.

Mr. B. V. JADHAV : Is not the Parasnis family in receipt of the pension ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

MOULVI RAFIUDDIN AHMAD : What are the restrictions placed upon visitors by the Collector ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is not a question of visitors but of allowing them to handle manuscripts. The manuscripts cannot be allowed to be handled without any responsible officer being present and until such an officer is appointed, no one can be allowed to handle the manuscripts.

#### ANNEWARI IN BIJAPUR DISTRICT

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether it is a fact that a deputation consisting of some influential and leading citizens of Bijapur waited upon the Collector of the district to represent to him the grievances of the people in the famine-stricken areas of the district ;

(b) if so, whether it is a fact that they represented to him that as the annewari made by the village officers was faulty, it should be newly made with the help of the Panch ;

(c) if so, whether it is a fact that the Collector replied that this was not permitted by the rules and so their request could not be granted ;

(d) what other representations were made to him by the said persons with regard to the prevailing famine and what replies were given to them by the Collector ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No ; but there was a suggestion that in future non-officials should be associated with officials in making the crop annewaris.

(c) The Collector replied that there were no orders permitting the association of non-officials with officials but added that their views would be carefully considered.

(d) They referred to the decrease of cattle, to the opening of relief works, to the scarcity of drinking water and to irrigation. The Collector explained to them what was being done. Large quantities of Kadbi have been stored in the Bijapur District ; three large public works have been started by way of expansion of the Public Works Department programme ; tagavi has been advanced liberally for works which are providing employment on an extensive scale ; employment is also provided by means of the District Local Board road grants ; proposals for irrigation schemes in connection with the Malprabha and Ghatprabha rivers have been taken into consideration ; and Government are allotting as much money as possible for village water supply.

#### SHOLAPUR STATION YARD REMODELLING

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City) : Will Government be pleased to state—

(a) whether the plans for the reconstruction of the various sheds and buildings, etc., of the Railway Station Yard at Sholapur are ready ;

(b) whether the Municipality or merchants and other constituents had been consulted as regards these plans, and if so, whether any suggestions have been made by them ;

(c) if answer to (b) is in negative, whether the Railway authorities will be pleased to do so ;

(d) the estimated cost of remodelling the Sholapur Station Yard ;

(e) when does the Railway propose to start the work and when do they expect to complete it ;

(f) will Government be pleased to place on the Council table the plans and estimates of the proposal mentioned in (d) above ?

The Honourable Mr. J. L. RIEU : (a), (d) and (e) The Agent, Great Indian Peninsula Railway, states that a scheme for improving the railway facilities at Sholapur is under consideration but that the plans and estimates are not yet ready.

(b) and (c) The Agent, Great Indian Peninsula Railway, states that the part of the scheme referring to goods-shed accommodation has been

discussed at several meetings between the local authorities and the Divisional Traffic Manager and that the former are therefore aware of the proposals.

(f) Does not arise.

#### WATER SUPPLY, SHOLAPUR: REPLY FROM THE NIZAM'S GOVERNMENT

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City): Will Government be pleased to state if they have received any reply from His Exalted Highness the Nizam's Government in connection with the scheme to carry water through the Nizam's territory for supplementing supply of the Ekruk Tank at Sholapur?

The Honourable Sir COWASJI JEHANGIR: No reply has yet been received.

#### TECHNICAL SCHOOLS, SHOLAPUR AND BIJAPUR

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City): Will Government be pleased to state whether any estimates have been prepared for starting a technical school either at Sholapur or at Bijapur or at both the places, and if so to place the papers on the Council table?

The Honourable Dewan Bahadur HARILAL D. DESAI: Detailed estimates of the cost involved in the opening of a technical school at Bijapur only have been prepared. Government regret their inability to place the papers on the Council table at present.

Mr. P. R. CHIKODI: How long has the question of the Bijapur Technical School been before Government?

The Honourable Dewan Bahadur HARILAL D. DESAI: About three or four years.

#### KARMALA MUNICIPALITY: WATER SUPPLY

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City): Will Government be pleased to state -

(a) whether there was very acute shortage of water supply this year at and near Karmala in the Sholapur District;

(b) whether it is a fact that most of the wells had gone dry;

(c) whether it is a fact that people had to go a long distance of about two miles to fetch water for drinking purposes;

(d) whether any scheme is under consideration for the improvement of the water-supply;

(e) if so, when was it investigated and what is the estimated cost of the same;

(f) whether they have sent any scheme proposed by the Sanitary Engineer to the Karmala Municipality for consideration and with what results;

(g) the annual income of the Karmala Municipality and the amount that the Municipality will have to provide annually as interest and sinking fund for the above scheme;



(h) what amount they have proposed to give as grant for the early adoption and execution of this scheme of water supply ?

The Honourable Sir GHULAM HUSSAIN : (a), (b), (c) and (d) Yes.

(e) The scheme was under investigation from the year 1909 and its estimated cost is roughly Rs. 1,80,000.

(f) The scheme was sent to the Karmala Municipality for consideration in 1923 and that body only recently replied that it was willing to finance the scheme. The scheme is yet to be examined and the Sanitary Engineer to Government has been asked to say whether the estimates require to be revised in view of the long time that has elapsed since they were framed.

(g) About Rs. 27,000. Unless the scheme is considered in details it cannot be said what the Municipality will have to provide annually for sinking fund and for payment of interest charges.

(h) This cannot be stated until the scheme is received by Government.

#### GOVERNMENT ORDERS ON QUESTIONS

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether any Government Orders have been issued on any of my questions asked by me during 1924, 1925 and 1926 in the Bombay Legislative Council ;

(b) if so, to state the headings of those questions and to place copies of the Government Orders issued thereon on the Council table ?

The Honourable Sir CHUNILAL MEHTA : Questions are put in Council for the purpose of eliciting information and not as suggestions for action. If, however, the Honourable Member will quote any assurance that may have been given in reply to any of his questions that particular action would be taken, information will be furnished.

#### JEJURI MUNICIPALITY : TAX-INSPECTOR

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether the tax-inspector of the Municipality of Jejuri, taluka Purandhar, district Poona, used to get an extra allowance of Rs. 8 for school supervision when the school was under the Municipality ;

(b) whether the same allowance is still being paid by the Municipality even though the school is no longer under it but under the Local Board ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) The Municipality has stopped the allowance from 1st August 1927.

#### OFFICERS' CAMPS, DOHAD AND JHALOD TALUKAS

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that Patels are still taxed for the Bandobast of Officers' Camps in Dohad and Jhalod Talukas ?

• The Honourable Mr. J. L. RIEU : These Patels were neither taxed in the past nor are they taxed now for making the arrangements for officers' camps.

#### HINDU-MOSLEM TENSION, DOHAD

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) if it is a fact that some Muslims from Northern India visited Dohad in May last with a view to foment Hindu-Muslim tension there ;

(b) whether it is a fact that the Mamlatdar of Dohad knew that the Muslims had come there with this purpose ;

• (c) whether the Mamlatdar informed the District Magistrate of this fact ;

(d) if the reply to (c) be in the negative, whether they have taken any action in the matter ?

The Honourable Mr. J. L. RIEU : (a) No Muhammadans from Northern India visited Dohad in May last with a view to fomenting Hindu-Muhammadan tension.

(b), (c) and (d) Do not arise.

#### MALE TRAINING COLLEGE, AHMEDABAD

Mr. J. R. PATEL (Kaira District) : Will Government be pleased to state—

(a) whether it is a fact that they intend to close the training class for males at Ahmedabad ;

(b) whether it is a fact that an order to that effect has already been issued by the Director of Public Instruction ;

(c) whether they have ascertained that there is no further need of trained teachers for the primary schools in the Northern Division ;

(d) whether they have suggested or adopted any other course for supplying such teachers ;

(e) whether in view of the universal protest against the proposed step, they propose to reconsider their decision ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) to (e) Attention is invited to Government Press Note No. 1994-F, dated the 14th July 1927. The whole question regarding the restriction on the output of trained teachers from certain training institutions in the Presidency is under the consideration of Government and pending their final decision on the above question the provisional orders issued regarding the closing of some of these training institutions have been held in abeyance.

Mr. B. V. JADHAV : Is the secondary training class at Ahmedabad continued ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Mr. B. V. JADHAV : That means that the number of trained teachers will be added to.

The Honourable Dewan Bahadur HARILAL D. DESAI : At present the previous arrangement is being continued.

Rao Bahadur B. R. NAIK : Will the Honourable Minister be pleased to consult the local bodies concerned before arriving at the final decision in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There has been discussion outside, and wherever the local authorities have more than the number of trained teachers they need they will be consulted and wherever they are less, we are not going to close the classes.

Mr. J. C. SWAMINARAYAN : Will the training college be continued permanently ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As long as the financial stringency of Government continues. We have allowed the present arrangements to continue ; we have not taken any decision for the future.

Mr. J. C. SWAMINARAYAN : When is any decision about the future going to be reached ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot say that. Until a decision is reached, I cannot give you the decision.

SUBORDINATE EDUCATIONAL STAFF, SOUTHERN DIVISION :  
NOTICES ISSUED TO

Mr. J. R. PATEL (Kaira District) : Will Government be pleased to state—

(a) whether their attention has been drawn to the notice or letter No. 12-M—1930, dated Dharwar, 13th June 1927, addressed to the subordinate authorities by the Educational Inspector, Southern Division, intimating that all clerks and menials serving under them are liable to be discharged from service with effect from 1st July 1927 ;

(b) whether they have received petitions from the servants affected by the said notice submitting their grievances and praying for redress ;

(c) what course they have adopted or propose to adopt to allay the fears or to guarantee employment to those unfortunate servants ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) Yes.

(c) The attention of the honourable member for the Kaira District is invited to Press Note No. 3825/4312-F, dated the 29th June 1927, copies of which have been communicated to all Members of this house.

PROPOSED INCREASE IN LAND REVENUE ASSESSMENTS IN (BAGLAN)  
SATANA (?) AND MALEGAON TALUKAS

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether it is a fact that notices have been issued to agriculturists in the talukas of (Baglan) Satana (?) and Malegaon, District Nasik,

that the land revenue assessments will be increased in those talukas, and calling for objections, if any, to the proposed increase ;

(b) if so, whether any objections have been received ;

(c) on what grounds the rates are proposed to be increased ;

(d) whether they will be pleased to lay on the Council table the report or reports of the Settlement Officer proposing the enhanced rates ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes ; many petitions have been received.

(c) Government have not yet received the Settlement Officer's reports.

(d) Does not arise.

Mr. R. G. PRADHAN : Have these petitions been disposed of ?

The Honourable Mr. J. L. RIEU : No, they will be considered when the settlement officer's reports come in.

Mr. R. G. PRADHAN : When are those reports expected to be received ?

The Honourable Mr. J. L. RIEU : I cannot say exactly when the reports will be received but the matter will probably be considered early next year.

#### DECREES FOR SHARES OF CASH ALLOWANCES

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether it is a fact that co-sharers of partible cash allowances, who have obtained decrees from Civil Courts before 1907, are paid their shares directly from the Treasury, and are not required to enforce their claims by means of execution proceedings ;

(b) if the answer to this is in the affirmative, why is a distinction made between such co-sharers and others who have obtained decrees since 1907 and who are required to enforce their claims every year by means of execution proceedings ;

(c) whether they are aware that great hardship is often caused to co-sharers of partible cash allowances, who have obtained decrees since 1907 by reason of the fact that such decrees cannot be enforced for the following reasons, *viz.*, first, cash allowances under the Pensions Act become due for payment on the 1st May of each year, secondly, the prohibitory order of the Civil Court must be served on the Collector and not on the Treasury officer and, thirdly, owing to the Collector's absence on tour, he cannot order the Treasury officer to make separate payment to the co-sharer in time ;

(d) whether they have considered the desirability of removing the hardship mentioned in (c), by ordering separate registers of co-sharers whose shares in cash allowances are recognised in Civil Courts, to be maintained and direct payment to be made to them from the Treasury ?

The Honourable Mr. J. L. RIEU: (a) Separate payment is ordered only in cases in which both the following conditions are fulfilled :—

(i) the applicant sub-sharer has produced a Civil Court's decree passed before 1907 and supported by a certificate under the Pensions Act ; and

(ii) the Collector had been making a separate payment every year up till 1907.

(b) In 1907 Government declared it to be their aim to prevent the multiplication of names on their records and the consequent great increase of work which, owing to the unlimited extent to which partition is admissible under Hindu law, would result from the separate registration of all sub-sharers in pensions and allowances. They accordingly issued orders that, while there should be no interference with the partibility of pensions and allowances, nothing should be done to encourage partitions, that sub-sharers should be left to take such remedies against the registered sharers as they might be advised, and that the Collectors should not issue orders for the separate payment of shares except where it was not inconvenient to do so. The procedure referred to in (a) above was adopted in pursuance of this policy.

(c) It is a fact that persons who have obtained Civil Court decrees in respect of their shares in cash allowances since 1907, or who may obtain them hereafter, cannot secure their share of the allowance as easily as those who receive separate payment at the treasury. This is inevitable in view of the policy of Government as stated above. Government cannot consent to their accounts being encumbered by the sub-division of these allowances.

(d) For the reasons indicated above Government do not contemplate any departure from the policy specified above.

#### TRANSFERS OF SCHOOL MASTERS IN THE NASIK DISTRICT

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether they are aware that much dissatisfaction has been caused among the local board school masters in the District of Nasik on account of the frequent inconvenient and unjustifiable transfers of many masters by the school board ;

(b) if so, whether they have enquired into the matter and taken steps to remove the dissatisfaction ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Government are so informed.

(b) Enquiry is being made.

#### GOVERNMENT OF INDIA ACT: WORKING OF RULE UNDER SECTION 19-A

Mr. R. G. PRADHAN (Nasik District): Will the Honourable the Minister for Local Self-Government, as Senior Minister, be pleased to state—

(a) whether he and his colleagues in the Ministry have experienced any difficulties in the working of the rule under section 19-A of the

Government of India Act ? If so, what are those difficulties ;

(b) whether there have been any cases of intervention in the administration of the transferred departments by the Secretary of State for India which have not been covered by the rule referred to above ? If so, will the Honourable Minister lay on the Council table a statement giving full particulars of those cases ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) None.

#### COMPULSORY STUDY OF HINDI IN PRIMARY AND SECONDARY SCHOOLS

Mr. R. G. PRADHAN (Nasik District): Will the Honourable Minister of Education be pleased to state—

(a) whether he has considered the question of making the study of Hindi compulsory in the primary or secondary schools ;

(b) if so, what conclusion he has arrived at ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) The question of providing instruction in languages other than the recognised vernaculars, particularly Hindi, is under the consideration of Government.

#### POLLING AGENT, MR. JUNNARE : NASIK

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether it is a fact that one Mr. Gopal Rakhmaji Junnare went to the bungalow of the Collector and Returning Officer of Nasik on the 9th November 1926, and told him that Mr. Hiranman Narayan Shindore, a bench magistrate at Nasik, had put under wrongful restraint Mr. Vishwanath Balaji Gulaskar, a polling agent of Mr. Madhavrao Parsharam Patil, a candidate for election to the Bombay Legislative Council for the district of Nasik, at the last elections ;

(b) whether the Collector and Returning Officer issued to Mr. Junnare a certificate as polling agent of Mr. Madhavrao Parsharam Patil on the strength of the allegation that Mr. Vishwanath Balaji Gulaskar had been put under wrongful restraint and therefore was unable to work as polling agent ;

(c) whether the certificate was issued at the request of Mr. Madhavrao Parsharam Patil, the candidate, or of the election agent ;

(d) whether, in view of the fact that the information given by Mr. Gopal Rakhmaji Junnare about the alleged wrongful restraint constituted a cognizable offence and that too, in connection with such an important matter as council elections, the Collector and Returning Officer, in his capacity as District Magistrate or Returning Officer, made independent inquiry, or ordered it to be made, into the allegation or complaint of wrongful restraint ? If not, why not ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No.

(c) Does not arise.

(d) No complaint was filed before the District Magistrate. In this connection the attention of the honourable member for Nasik is invited to the reply given to his question printed in the July-August sessions of the Legislative Council, printed at page 1094 of Vol. XX of the Bombay Legislative Council Debates.

Mr. R. G. PRADHAN : As regards (b) am I to understand from the reply given that no certificate at all was issued to Mr. Junnare as polling agent of Mr. Madhavrao Parsharam Patil ?

The Honourable Mr. J. L. RIEU : I must ask for notice of that question.

Mr. R. G. PRADHAN : With regard to (d), why did not the Returning Officer, both in his capacity as Returning Officer and as District Magistrate, make independent enquiries into the allegations of wrongful restraint ?

The Honourable Mr. J. L. RIEU : I understand that he took no action because he knew that a complaint had been made in another court.

Mr. R. G. PRADHAN : Am I to understand from this reply that a complaint had been instituted at the time ?

The Honourable Mr. J. L. RIEU : I believe that was so.

Mr. R. G. PRADHAN : Was it not the duty of the District Magistrate and Returning Officer to make independent enquiry into the matter ?

The Honourable Mr. J. L. RIEU : Is it his duty ?

#### IMPROVEMENT COMMITTEE : DEVELOPMENT DIRECTOR

Mr. H. M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) when Sir Lawless Hepper resigned as a member of the Improvement Committee ;

(b) when Government nominated another in his place under section 14 of the Improvement Trust Transfer Act ;

(c) the reasons of the delay ;

(d) whether they have designated the Secretary, Development Department, as Director, Development Department, for the purpose of the Improvement Trust Transfer Act ;

(e) if so, their reasons for the same ;

(f) whether they could not have introduced an amending bill for the purpose ?

The Honourable Sir GHULAM HUSSAIN : (a) 30th November 1926.

(b) 11th February 1927.

(c) The appointment of Sir Lawless Hepper on the Committee was made in his official designation as the Director of Development. It was therefore considered first that no fresh notification to appoint a member in his place under the City of Bombay Improvement Trust Transfer

Act, 1925, was necessary. As the post of Director of Development was abolished afterwards, the nomination of Mr. Bell under section 14 of the Act designating him as Director of Development for the purpose of section 10 of the Act was considered essential.

(d) Yes.

(e) Government considered it desirable that the Development Department should continue to be represented on the Improvements Committee.

(f) Government were advised that an amending Bill was not necessary for the purpose.

#### SUB-REGISTRARS : RETIREMENTS AND PROMOTIONS

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) the number of sub-registrars in each of the first three grades who are expected to retire in the next five years in the different divisions of the Presidency and in Sind ;

(b) the number of sub-registrars in the second, third and fourth grade at present waiting on the maximum pay of these grades ;

(c) how many of these are likely to be promoted to the next higher grade ;

(d) what will be the maximum period of waiting by sub-registrars on the maximum of the grade for sub-registrars in the second, third and fourth grades ?

The Honourable Mr. G. B. PRADHAN :

(a)	Division				No.		
	Gujarati	..	..	..	5		
	Marathi	..	..	..	9		
	Kanarese	..	..	..	7		
	Sindhi	..	..	..	5		
					II	III	IV
(b)	Division				Grade.	Grade.	Grade.
	Gujarati	..	..	..	2	5	7
	Marathi	..	..	..	4	12	34
	Kanarese	..	..	..	4	5	8
	Sindhi	..	..	..	..	7	16

(c) All, except one in the second grade in the Marathi Division who is expected to retire in November 1927.

(d) This cannot be stated, as it depends on many factors such as superannuation, death, illness, resignation, etc.

#### NON-AGRICULTURAL ASSESSMENT, WAPI

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) the value of the land per acre and the rates of special non-agricultural assessment levied at Wapi in Pardi Taluka, Surat District—

- (i) 25 years back,
- (ii) 20 years back,



- (iii) 15 years back,
- (iv) 10 years back,
- (v) 5 years back,
- (vi) now ;

(b) what are the special reasons for raising the rates to their present high pitch ;

(c) whether they intend to revise the rates and, if so, when ?

The Honourable Mr. J. L. RIEU :

(a) Value per acre	Special non-agricultural assessment
(i) Rs. 600 for land near Daman Road Station yard and on the Daman-Lavachha road within $\frac{1}{4}$ mile from the station yard. Ranging from Rs. 50 to Rs. 200 elsewhere.	Rs. 5 per acre or 5 times the agricultural assessment whichever is greater (the village was in class II).
(ii) Rs. 800 for land situated within 200 yards on each side of the Daman-Lavachha road and within $\frac{1}{4}$ mile from the Daman Road Station (West).	Rs. 32 per acre.
Rs. 600 for land situated within 200 yards on each side of the Daman-Lavachha road and within $\frac{1}{4}$ mile of the railway crossing.	Rs. 24.
Ranging from Rs. 100 to Rs. 200 for the remaining land.	Rs. 5 per acre or 5 times the agricultural assessment whichever is greater, the village being in class II.
(iii) Do.	Do.
(iv) Rs. 1,000 for land situated near the railway station and on the Daman-Lavachha road.	Rs. 40.
Rs. 750 for certain land, viz., Survey No. 266 to Rs. 275, etc.	Rs. 30.
Rs. 600 for land situated some distance from the railway station.	Rs. 24.
Ranging from Rs. 200 to Rs. 350 elsewhere.	Rs. 10 per acre or ten times the agricultural assessment whichever is greater, the village being in Class I.
(v) Ranging from Rs. 1,300 to Rs. 7,000 according to the situation of the land.	As in (iv).

Value per acre	Special non-agricultural assessment
(vi) Now— Rs. 7,000 near the railway station.	The rates shown against (iv) are in force but in individual cases higher rates are levied according to the situation of the survey numbers.
(b) Because the market value of the land has gone up considerably.	
(c) The question is under the consideration of Government.	

#### NON-AGRICULTURAL ASSESSMENT, MADHI

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) the value of the land per acre and the rates of special non-agricultural assessment levied at Madhi, taluka Bardoli, Surat District—

- (i) 25 years back,
- (ii) 20 years back,
- (iii) 15 years back,
- (iv) 10 years back,
- (v) 5 years back,
- (vi) Now;

(b) what are the special reasons for raising the rates to their present high pitch;

(c) whether they intend to revise the rates and, if so, when ?

The Honourable Mr. J. L. RIEU :

(a)

Value per acre	Special non-agricultural assessment
(i) Rs. 64.	Rs. 5 per acre or five times the agricultural assessment whichever is greater (the village was in Class II).
(ii) Rs. 832.	Rs. 16 per acre.
(iii) Rs. 455.	Do.
(iv) Rs. 935.	Rs. 20 per acre.
(v) Rs. 1,430.	Do.
(vi) Rs. 2,700 for land situated on either side of the Madhi-Valod road.	The rates shown against (iv) are in force but in individual cases higher rates are levied according to the situation of the Survey Numbers.
Rs. 1,400 for land situated on either side of the railway line.	

(b) Because the market value of the land has gone up considerably.

(c) The question is under the consideration of Government.

#### HEADMASTERS : ATTENDANCE ALLOWANCE

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) whether attendance allowance is being given to headmasters ;

(b) whether this allowance is given to all headmasters or only to some of them ;

(c) if the allowance is only given to some of the headmasters, what are the reasons for not giving it to the other headmasters ;

(d) whether all the headmasters do the same kind of work ;

(e) if so, the reasons why they should not all receive the same allowance ;

(f) whether the committee appointed to consider the question of pay of primary teachers recommended the payment of the attendance allowance to all headmasters ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Duty allowance (now termed special pay) is given to headmasters.

(b) and (c) An allowance is given to all headmasters provided that no third year teacher with a total service of less than 10 years and no second year teacher with a total service of less than 5 years shall ordinarily be eligible for such allowance. The reason for this proviso is to prevent inexperienced teachers being appointed as headmasters.

(d) and (e) Yes. As the allowances depend upon the size of the school, the rates of allowances vary according to size. Moreover Urdu schools and schools for the Depressed classes have special scales.

(f) Yes, with the proviso as given in the answer to (b) and (c).

These allowances are not given in some cases, for instance, Ahmedabad Municipality, as special scales of pay have been fixed with the approval of Government for the teachers to be recruited by this body.

Rao Bahadur B. R. NAIK : Is the Honourable Minister aware that there is great discontent among the teachers by the introduction of this system of attendance allowance ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Rao Bahadur B. R. NAIK : Is the Honourable Minister going to take any steps to reconsider the scheme and do away with it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes. The question is being considered whether by the abolition of these allowances the whole scheme of the pay of primary teachers could be arranged satisfactorily.

Mr. H. J. AMIN : Has not the scheme come out yet ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I have called for the figures from the Director of Public Instruction. He is collecting them for the whole area of the Presidency, and therefore it is a matter which will take time.

Mr. JAIRAMDAS DOULATRAM : By the expressions "third year trained teacher" and "second year trained teacher," do Government mean teachers who have had three years' training and two years' training ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes ; those who have been trained in the training colleges for the first year, for the second year and for the third year.

Mr. JAIRAMDAS DOULATRAM: Have Government realised the inconsistency of the present practice which places teachers with three years' training at a disadvantage as compared with teachers with two years' training?

The Honourable Dewan Bahadur HARILAL D. DESAI: In some cases it may be so.

Mr. JAIRAMDAS DOULATRAM: The rule stated is that where a teacher has three years' training, he must serve not less than 10 years before he comes in for a head master's post; whereas a teacher who has only two years' training can get the allowance with only five years' service?

The Honourable Dewan Bahadur HARILAL D. DESAI: The third year trained teacher is put in charge of a larger school, but the second year trained teacher is put in charge of a smaller school in a smaller village or town. Consequently, there is no disadvantage.

#### SCHOOL OF PIPARIA

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) whether there is a school in the village of Piparia, taluka Mandvi, district Surat;

(b) whether the village people have applied to Government for opening a school in this village;

(c) whether there are 39 boys and girls fit for attending the school in this village;

(d) whether the village people are willing to give a building for the school free if a school is opened in this village;

(e) whether Government have considered the request of the village people for a school in their village, and, if so, what decision they have arrived at?

The Honourable Dewan Bahadur HARILAL D. DESAI: Information has been called for.

#### SCHOOL AT BAGWADA

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) whether there is a school in Bagwada, taluka Pardi, district Surat;

(b) whether the average number of pupils in this school is over 50;

(c) whether there is only one teacher to teach all the boys in the school;

(d) what is the Government scale for providing teachers in schools, with reference to the number of pupils in the school;

(e) what are the special reasons why a second teacher has not been appointed to this school;

(f) whether, owing to the absence of a second teacher, the quality of education imparted in this village is very poor;

(g) what steps they propose to take to improve the teaching in this school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Information has been called for.

#### LILAPORE SCHOOL : SIXTH STANDARD

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) whether Government was lately pleased to order the opening of a sixth standard in the school in Lilapore village, taluka Bulsar, district Surat ;

(b) whether the Head Master was asked to open the sixth standard if six or more pupils could be had for this school ;

(c) whether the Head Master reported that six pupils could not be had ;

(d) whether at present six pupils from this village, viz. (1) Magan Gopal, (2) Chhotu Chhiba Kumbhar, (3) Chhiba Jivan Dhebaro, (4) Vithal Bhika Bava, (5) Gokal Ghela, (6) Jivan Ranchhod Koli are going to schools in other villages ;

(e) whether Government propose to take any action against the Head Master for sending a false report to his superiors ;

(f) when they intend to open the sixth standard in this school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Information has been called for.

#### AMALSAD LANDS DAMAGED BY SALT WATER

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) whether it is a fact that lands round about Amalsad, e.g., in the villages of Amalsad, Kachholi, Saribujrag, Sarikhurad, Kalmatha, etc., have been spoilt by sea water ;

(b) what is the area of land in each of the above villages which has been so spoilt by sea water ;

(c) why was this area allowed to be spoilt by sea water ;

(d) whether any remission of land revenue is being given by Government to khatedars whose lands have been spoilt by salt water ;

(e) what protective works would be necessary to prevent sea water spreading on those lands ;

(f) what would be the estimated cost of these protective works ;

(g) when will these protective works be—

(i) taken in hand,

(ii) completed ;

(h) whether the khatedars will be given remission of land revenue till these protective works are completed ?

The Honourable Mr. J. L. RIEU : (a) No ; but the garden crops in Amalsad and Saribujrag are being affected, as the subsoil water in the wells has become saltish on account of the percolation of sea water.

(b) The area of which the crops are affected is 104 acres of Saribujrag and 217 acres of Amalsad.

(c) Does not arise.

(d) No.

(e) An earthen bund to be constructed every year so as to prevent the salt water from entering the creek and so spoiling the water in the wells by percolation.

(f) and (g) Such bundhs if put up by the agriculturists themselves conjointly in their spare time cost nothing. If the bundh work were done by outside labour it would cost about Rs. 100.

(h) The reclassification of the land, with a consequent reduction of the subsoil water rate, may become necessary.

#### THAKOR OF SANAND : RENT FOR OTLA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether Darji Budha Mohan got permission No. 26 from the Municipality of Sanand by the Municipal Resolution No. 70 dated 2nd June 1923 in response to his application dated 28th May 1923 for making a *Pakka Otle* in the place of a *Katcha Otle* of his house ;

(b) whether the said Darji Budha Mohan was prevented by the servants of the Thakor of Sanand from constructing the *Pakka Otle* and was dragged to the Darbargadh of the Thakor and was forced to sign an agreement of paying Rs. 2 as Sakar and annas 2 as yearly rent for the *Pakka Otle* by threats and intimidations ;

(c) whether the said Darji Budha Mohan repudiated the agreement which he was forced to sign under threats and intimidation and gave a regular notice to the Thakor through the pleader Mr. Dalpatbhai Popatlal Shah to cancel that agreement ;

(d) whether the Thakor is still threatening the said Darji Budha Mohan to pay the yearly rent of annas 2 in spite of the notice of cancelling the agreement caused to be made under force ;

(e) if so, what steps Government have taken to prevent such threats and harassment to the poor people by the Thakor of Sanand ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) This is his statement. He has however produced no evidence in support of it, and he has made no complaint to the district officials.

(c) He has repudiated the agreement and given the notice referred to, but, as already stated, there is no evidence that the former was obtained as alleged.

(d) Darji says that he has been asked to pay the rent, but that no steps are being taken to enforce payment.

(e) The question of the levy of rent is of a civil character. If any threat or intimidation is used, it is open to the aggrieved party to approach the proper courts. The *Otle* in question forms part of the wanta land belonging to the Thakor.

Mr. J. C. SWAMINARAYAN : Is not the wanta land of Sanand under the jurisdiction of the municipality ?

The Honourable Mr. J. L. RIEU : I am not aware of the precise facts. I presume that the municipality might have jurisdiction if this land formed part of a public street, but I do not know whether that is the fact or not.

Mr. J. C. SWAMINARAYAN : Are not Government aware of the High Court judgment which has given the wanta land to the Thakor, subject to all the rights of the municipalities being preserved in tact?

The Honourable Mr. J. L. RIEU : I am not personally aware of it.

Mr. J. C. SWAMINARAYAN : Even after the municipality has given regular permission to make a *Pakka Olla*, how can the Thakor interfere in the construction of the *Olla* ?

The Honourable Mr. J. L. RIEU : I am not aware that the municipality has given permission.

Mr. J. C. SWAMINARAYAN : Yes, it has given permission. In reply to part (a) of the question, it is stated that the municipality did give permission.

The Honourable Mr. J. L. RIEU : The permission of the municipality referred to the construction of the *Olla*, not to the possession of the land. It is qualified by the rights of ownership of the Thakor.

Mr. J. C. SWAMINARAYAN : This wanta land is under the jurisdiction of the municipality.

The Honourable Mr. J. L. RIEU : I can only suggest that the person concerned should seek his remedy in the civil court.

Mr. A. D. SHETH : Is it not the rule that when permission is being asked of the municipality for construction, any one who wants to contest it on the grounds of proprietorship, etc., should come to the municipality and state his objections to it ?

The Honourable Mr. J. L. RIEU : I am afraid I must refer the honourable member on that point to the Honourable Minister for Local Self-Government.

Mr. A. D. SHETH : I make that request to the Honourable Minister there.

#### THAKOR OF SANAND : MARRIAGE TAX

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Thakor of Sanand has imposed a marriage tax at the rate of twenty-five per cent. of the rent on the cultivators of his estate and has recovered it from the cultivators by threats of evictions against their will on the occasion of the marriage of the Thakor in 1923 ;

(b) if so, under what law the said tax was imposed ;

(c) what steps Government have taken to prevent the recovery of that illegal tax and to have the recovered amount of the tax returned to the respective cultivators ?

The Honourable Mr. J. L. RIEU : (a) The Thakor's marriage took place three years ago, and contributions at the rate of 25 per cent. of the rent in some villages, and at a lower rate in others, appear to have been received on the occasion. These contributions are commonly known as "Chanla or Presents". Whenever there is a marriage in a talukdari family, the leading people of the villages of the estate offer such contributions, which are accepted or not as the case may be. On this occasion it appears that in some villages such as Koth, Vataman, Bholad, etc., the Thakor Saheb refused to accept the Chanla, while in others he did accept it. There is no proof that it was collected by threats of eviction and against the will of the cultivators, and no such complaint has reached Government.

(b) The contributions are not collected under any law, but in accordance with the custom obtaining in the estate.

(c) Government do not admit that any illegal tax has been levied, and do not propose to take any action in the matter.

Mr. J. C. SWAMINARAYAN : Is it true that of the villages referred to in reply to part (a) of the question, those who were sturdy enough to refuse such a demand were excused, and the poorer villages inhabited by poor people were compelled to pay the Chanla ?

The Honourable Mr. J. L. RIEU : I have not the least reason to suppose that that is a fact.

#### THAKOR OF SANAND : ENQUIRY INTO TENANTS' GRIEVANCES

3. Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Mahalkari of Sanand called the leading cultivators of the villages of Sanand estate on 12th April 1927 to Sanand Kacheri for representing their grievances to the Assistant Collector who was deputed for the purpose by higher authorities of Government ;

(b) whether it is a fact that Imambax, the Karbhari of the Thakor of Sanand, remained present throughout the enquiry of the Assistant Collector and the cultivators could not speak out their minds on account of the fear of the Karbhari ;

(c) if so, why the Enquiry Officer did not make his investigation independently in the absence of the Karbhari of the Thakor so that the real state of grievances of the cultivators could be found out and determined ;

(d) whether it is a fact that the Enquiry Officer remained as a guest of the Thakor during his stay and used the carriages and the motor cars of the Thakor ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) It is true that Mr. Imambax, the Thakor's Karbhari, was present during the enquiry, but it is not the case that the cultivators could not speak out openly on account of his presence. The people were questioned on different points by the District Deputy Collector and were told that if they had any grievances, they might also see him in private or in Ahmedabad, but they definitely stated that they had no grievances.



(c) The Karbhari was present to answer the allegations, if any, made by the cultivators so as to enable the enquiry to be finished promptly on the spot. An inquiry could only be impartial if both parties were given an opportunity of representing their case.

(d) No. The Deputy Collector proceeded at noon direct in a taxi to the Mahalkari's office where the people had been summoned and he returned the same evening to Ahmedabad.

Mr. J. C. SWAMINARAYAN : Are not Government aware that the people of these talukdari villages are terribly afraid of the officers of the talukdars and how is it that they did not conduct these enquiries in private, from the cultivators themselves, in order that the true facts might be elicited ?

The Honourable Mr. J. L. RIEU : I submit that it would be very unfair to carry on an enquiry behind the back of the person who is accused.

Mr. J. C. SWAMINARAYAN : The enquiry is to be made as regards the grievances of the cultivators. If Government officers would approach these cultivators in private, it is possible that the true state of affairs would be known to them.

The Honourable the PRESIDENT : That is no question. It is a suggestion.

#### GUJARAT COLLEGE SECURITIES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the details of the Gujarat College Securities, referred to on page 88 of 1927-28 Budget of the Bombay Government as having been handed over by the Government of India to the Government of Bombay and the income derived from them ;

(b) the donor of the said securities, the date of donation and the purposes for which the donation was made ;

(c) how long the securities remained with the Government of India ;

(d) how long the income of those securities was merged in the general revenues ;

(e) the total amount merged in the General Revenue before the Government of India handed over the securities to the Government of Bombay ;

(f) whether they intend to spend the accumulated income and the future income from those securities in connection with various specific requirements of the Gujarat College like hostels, laboratory, equipment, Scientific apparatus, libraries, etc. ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) It is presumed that the Honourable Member for Ahmedabad District refers

to page 88 of the Blue Book for 1927-28 and the securities referred to on that page. If so, their particulars are as follows :—

Description of securities	Face value of the securities	Rate of interest	Annual income
	Rs.		Rs. a. p.
Government Promissory Notes ..	1,07,900	3½	3,776 8 0
Government Promissory Notes ..	15,000	3	450 0 0
Bombay Port Trust ..	36,500	4	1,460 0 0
Total ..	1,59,400	..	5,686 8 0

(b) The above securities along with the other assets of the Gujarat College came into the possession of Government when the college was taken over by them on 16th July 1912 in pursuance of the resolutions passed by the Society for the promotion of higher education in Gujarat. They are to be utilised for the purpose for which the Society was originally established, namely, the maintenance and management of the college.

(c) and (d) From 1912 to 1926.

(e) About Rs. 2,05,338.

(f) As Government have undertaken to meet all the expenses of the college in question and as they actually incurred and still incur all the expenditure on the institution from their revenues the interest on the securities as it accrued was credited to provincial revenues. The securities transferred to this Government by the Government of India have also been transferred to the Sinking Fund of the Bombay Development Loan and their value credited to provincial revenues. There is therefore no question of any income accumulating for fresh utilization.

Mr. J. C. SWAMINARAYAN : Why has the Minister of Education allowed these securities to be transferred to the sinking fund of the Bombay Development loan ? These securities were intended to finance the Gujarat college.

The Honourable Dewan Bahadur HARILAL D. DESAI : Government are spending not only the interest on these securities on the Gujarat College but they are spending much more. Consequently they are using the securities in any way they like.

Mr. J. C. SWAMINARAYAN : Then why is not the income from the endowment put down under the Gujarat College but given away to some other department for reducing the deficit of that other department ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is not an amount given to any other department. It is as security only.

Mr. B. V. JADHAV : Will the securities when received back be restored to the endowment fund ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Certainly, they will.

## POLICE FORCE : PATRI

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the police force stationed in the villages of the Inamdar of Patri is a part of the police force of the district under the District Superintendent of Police ;

(b) if the answer to (a) is in the affirmative, the grounds why the Inamdar is enjoying the power of appointing or dismissing the members of that police force ?

The Honourable Mr. J. L. RIEU : Enquiries are being made.

EDUCATIONAL DEPARTMENT, SOUTHERN DIVISION : DISCHARGE  
OF CLERKS AND MENIALS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Educational Inspector, Southern Division, served an immediate notice, dated 13th June 1927, on all the clerks and menials, serving in the Educational Department, to the effect that “they are liable to be discharged from service from 1st July 1927 ;”

(b) if the answer to (a) is in the affirmative whether the services of the clerks and menials, affected by the said notice, were intended to be terminated by Government for any fault of theirs ;

(c) if the clerks and menials affected by the notice had committed no fault, whether Government intend to see that innocent clerks and menials will not be sacrificed without any fault of theirs ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) No.

(c) The attention of the Honourable Member for the Ahmedabad District is invited to Press Note No. 3825—4312-F, dated the 29th June 1927, copies of which have been communicated to all Members of this House.

## HIGH SCHOOL, MODASA : GRANT FOR 1926-27

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether a grant of about Rs. 3,400 was sanctioned by the Educational Department in the month of June 1926 to be paid to the authorities of Modasa High School during the official year 1926-27 ;

(b) whether it is a fact that the said grant was not paid to the authorities of Modasa High School during the official year 1926-27 ;

(c) whether the authorities of the Modasa High School sent repeated reminders to the Educational Department, requesting the payment of the sanctioned grant during the official year 1926-27 ;

(d) whether they are aware that the failure of the Educational Department to pay the sanctioned grant placed a great strain on the

finances of Modasa Education Society which has constructed a building for Modasa High School by public contributions ;

(e) whether they intend to make good by making a special grant during the current official year 1927-28 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No.

(b) Yes.

(c) No reminder was received by the Director of Public Instruction, but the case was considered by him in March, and no grant was paid for lack of funds.

(d) No.

(e) No.

Mr. J. C. SWAMINARAYAN : Is it not true that the authorities of Modasa High School were given an assurance that a sum of Rs. 3,400 will be given to them by the end of that official year as grant ?

The Honourable Dewan Bahadur HARILAL D. DESAI : All assurances of Government are subject to "funds permitted."

#### OCCUPANCY RIGHTS : MEHLOL ESTATE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that the cultivators of lands in the Mehlool Estate of the Panch Mahals have been living in the villages of the estate and enjoying full occupancy rights over their lands from times immemorial before the advent of the present Talukdar ;

(b) whether the Mehlool Estate has been under Government management for more than forty years ;

(c) whether the survey settlement of the lands of the estate has been made and assessment which the cultivators have to pay to the Talukdars has been fixed ;

(d) whether the Collector of the Panch Mahals as manager of the said estate has been selling by public auctions the occupancy rights of waste lands of the estate and very heavy prices have been paid for buying the occupancy rights in public auctions ;

(e) whether, by a notification No. 764 dated 17th December 1910, the then Collector of the Panch Mahals recognised the rights of selling or mortgaging the occupancy rights of lands of Mehlool Estate on payment of money stipulated in that notification for various types of transactions ;

(f) whether the present Collector of the Panch Mahals has by an Order No. W.A.D.-458 dated 9th December 1926 rescinded the said notification ;

(g) whether the Collector of the Panch Mahals is endeavouring to give retrospective effect to his new Order No. W.A.D.-458 dated 9th December 1926 by resuming all lands sold or mortgaged before the issue of the new order and auctioning them to the highest bidder unless the existing occupants retain the same by agreeing to pay three times the assessment for a period of ten years ;

(h) whether the cultivators of Mehlo Estate have protested to the Collector of the Panch Mahals against the new order ;

(i) if so, what steps Government have taken in the matter ?

The Honourable Mr. J. L. RIEU : (a) There is nothing to show that the cultivators have been living in the villages of the estate from times immemorial. They never enjoyed full occupancy rights over the lands cultivated by them. They are all tenants-at-will.

(b) Yes.

(c) A survey settlement has been made and assessments have been fixed under it, but it is not the case that the rents leviable from the cultivators (tenants) are limited to such assessments.

(d) The occupancy rights over waste lands have never been sold by the Collector. What he did was to dispose of tenancies-at-will by public auction in some cases realising large sums of money on account of the great demand for land, keen competition and the good quality of the land.

(e) The notification forbade the alienation of tenancies, declaring that any alienated tenancies would be forfeited. At the same time, it gave discretion for the regrant to alienees, on certain stated terms, of alienated tenancies after the latter had previously been forfeited.

(f) Yes.

(g) There is no question of endeavouring to give retrospective effect. Certain tenants had passed agreements not to alienate or encumber the land without the previous sanction in writing of the Collector. In case where these agreements had been broken, the Collector has ordered that the land should be forfeited and regranted to the alienees on condition that the latter agree to execute *Kabulayats* for ten years and to pay an annual rent equal to three times the survey assessment and, that if they do not accept this offer, the land should be given to the tenant who offers to pay the highest rent.

(h) Some of the tenants have requested the Collector to reconsider the matter.

(i) The tenants appealed to the Commissioner, Northern Division, who has rejected the appeals, informing them that the execution of the Collector's order will be stayed for one month more to enable them to appeal to Government.

#### P. R. TRAINING COLLEGE, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether they decided to close the Premchand Roychand Training College for men in Ahmedabad and issued orders not to admit fresh students in the month of June 1927 ;

(b) whether the said orders were issued by the Director of Public Instruction ;

(c) if the answer to (b) is in the affirmative, whether the said orders were issued by the Director of Public Instruction under the instructions of the Honourable Minister of Education ;

(d) the reasons why Government were led to decide on the closure of the only training college of Gujarat and strike at the very root of primary education in Gujarat ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) to (d) Attention is invited to Government Press Note No. 1994-F, dated the 14th July 1927. The whole question regarding the restriction on the output of trained teachers from certain training institutions in the Presidency is under the consideration of Government and pending their final decision on the above question the provisional orders issued regarding the closing of some of these training institutions have been held in abeyance. The institutions are running at present.

#### CULTIVATORS' RIGHTS TO TREES : KUJAD VILLAGE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that in paragraph 9 of the survey settlement report of Kujad, a village in South Daskroi Taluka of Ahmedabad District, the Inamdar has not been given any rights over the trees in the lands occupied by the cultivators ;

(b) whether, in spite of the rights over the trees having been given to the cultivators in the said survey settlement, the Inamdar of the village is obstructing the cultivators from taking the fruits or dry wood of the trees in the lands occupied by the cultivators ;

(c) if so, what steps they have taken to save the cultivators from the obstructions and harassments of the Inamdar ?

The Honourable Mr. J. L. RIEU : (a) It is presumed that the reference is to paragraph 9 of the Jahernama dated 3rd February 1913 published in the village of Kujad. This paragraph did not declare that the Inamdar has no rights over trees in occupied lands, but declared that he should have no rights over any such trees over which he did not previously have rights and the produce of which had hitherto been enjoyed by the occupants. The previous records show that the Inamdar used to enjoy the produce of all trees in the occupied lands of the village.

(b) and (c) Do not arise.

Mr. J. C. SWAMINARAYAN : Will they run throughout as at present ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The honourable member may ask the question when they stop.

#### BOMBAY PORT TRUST : INCOME AND EXPENDITURE

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the earnings of each of the three main departments of the Bombay Port Trust during the years 1924, 1925 and 1926 ;

(b) the expenditure of each of the three departments during the last three years ;

(c) whether any of these departments is working at a loss ;

(d) if so, how is the loss made up, and from what department ?

The Honourable Sir COWASJI JEHangir : (a), (b), (c) and (d). A statement showing the income and expenditure of the Bombay Port Trust under the Account Sections maintained is appended.

With the exception of the Pilotage Account, which, under the Bombay Port Trust Act, 1879, must be kept separately from the General Account, the income and expenditure of the Port Trust must be considered as a whole, as it is not possible to divide the receipts or expenses, especially general and debt charges, accurately between the various departments, several works being constructed for the benefit of the port as a whole.

The working result of the Port for the last 3 years has been as follows :—

		General Account		Pilotage Account	
		Surplus	Deficit	Surplus	Deficit
		Rs.	Rs.	Rs.	Rs.
1924-25	.. ..	39,844	....	16,330	....
1925-26	.. ..	7,10,291	....	50,032	....
1926-27	.. ..	....	11,47,082	41,439	....

The deficit in 1926-27, which was due to depression in trade, was met from the Revenue Reserve Fund, which is the accumulation of surpluses of previous years.

### BOMBAY PORT TRUST

*Statement showing the income and expenditure of the Bombay Port Trust during the last three years*

Section		Income		
		1924-25	1925-26	1926-27
		Rs.	Rs.	Rs.
Bunders	.. ..	19,93,151	22,55,327	22,72,541
Land	.. ..	51,60,670	50,95,510	49,18,044
Railway	.. ..	27,50,310	27,87,942	23,10,984
Wet Docks	.. ..	1,48,57,167	1,54,17,126	1,42,34,356
Dry Docks	.. ..	3,49,102	3,83,338	3,30,459
Interest and Miscellaneous	.. ..	12,86,342	14,73,137	13,35,208
Port Department	.. ..	5,27,066	5,35,481	5,33,058
Pilotage Account	.. ..	4,53,176	4,65,688	4,67,703
Total	..	2,73,76,984	2,84,13,549	2,64,02,353

Section		Expenditure		
		1924-25	1925-26	1926-27
		Rs.	Rs.	Rs.
General Charges	.. ..	18,27,239	22,64,570	24,78,026
Bunders and Land	.. ..	14,12,732	15,56,742	19,26,978
Railway	.. ..	22,04,709	19,41,146	17,26,436
Wet Docks	.. ..	73,55,736	69,68,063	67,00,108
Dry Docks	.. ..	3,07,592	2,51,725	2,29,125
Rent	.. ..	1,34,523	1,34,523	1,34,523
Debt Charges	.. ..	1,25,65,503	1,32,11,057	1,32,07,224
Special Repairs and Renewals Account	.. ..	6,54,000	4,54,000	2,54,000
Port Department	.. ..	4,21,930	4,55,743	4,25,311
Pilotage	.. ..	4,36,846	4,15,656	4,26,264
Total	..	2,73,20,810	2,76,53,225	2,75,07,995

## BOMBAY PORT TRUST STAFF

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the total number of hands employed in the Bombay Port Trust from the Chairman down to the peon in all departments and their offices considered—Land and Bunders, Railway and Docks ;

(b) the number of these employees according to nationalities and grades ;

(c) the number of employees who are non-British subjects :

(d) the highest post held by each community ;

(e) how many outsiders were employed in the various departments, and on what starting posts and scales during the last three years ; and

(f) the reasons for giving to outsiders higher posts in the establishments ?

The Honourable Sir COWASJI JEHangIR : (a), (b), (c), (d), (e) and (f) Information has been called for.

## BOMBAY PORT TRUST : BACKWARD COMMUNITIES

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) how many men (i) of the backward communities, and (ii) of other communities, were given appointments in the Bombay Port Trust services during the last three years ;

(b) how many of the senior or deserving men, belonging to the backward communities, were given promotions to higher ranks, during the last three years ?

The Honourable Sir COWASJI JEHangIR : (a) and (b) Information has been called for.

## CLERKS IN THE BOMBAY MUNICIPAL DEPARTMENTS

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact there are 750 clerks in the various municipal departments of the Bombay Municipality ;

(b) if so, how many of these are Hindus, how many Parsis, how many backward class people, how many Muhammadans, depressed classes and others ?

The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH : (a) and (b) The following table gives the information required :—

Hindus			Parsis	Christians	Muham- madans	Jews	Total
Advanced Class	Backward Class	Depressed Class					
596	75	1	106	59	44	14	895

Mr. SYED MUNAWAR : Do Government consider this distribution of appointments equitable ?



The Honourable Sir GHULAM HUSSAIN : That is a matter of opinion.

Mr. SYED MUNAWAR : Have Government taken steps to give effect to their resolution that 50 per cent. should be recruited from the backward classes ?

The Honourable Sir GHULAM HUSSAIN : I do not think that they are bound by that resolution.

Mr. SYED MUNAWAR : Are not Government contributing towards the pension and provident fund of that body ?

The Honourable Sir GHULAM HUSSAIN : No.

Mr. SYED MUNAWAR : Can not Government compel that body to give effect to their resolution ?

The Honourable Sir GHULAM HUSSAIN : Unless we are given that power we cannot do so under the Act as it stands at present.

Mr. S. K. BOLE : Will the Act be amended in that direction ?

The Honourable Sir GHULAM HUSSAIN : It is for the honourable member to bring in an amending bill.

Mr. S. K. BOLE : Will the Honourable Minister support it ?

The Honourable Sir GHULAM HUSSAIN : It will be considered when the honourable member brings in the bill.

Mr. N. E. NAVLE : Was this resolution circulated to all the local bodies ?

The Honourable Sir GHULAM HUSSAIN : The resolution has nothing do with them and concerns only Government employees.

Mr. N. E. NAVLE : Is it desirable that local bodies should disobey Government ?

The Honourable Sir GHULAM HUSSAIN : It is not meant for the local bodies.

#### GRAZING FEES, WEST NASIK DIVISION

Rao Saheb R. V. WANDEKAR (Nasik District) : Will Government be pleased to state whether fire protection has improved in Vani, taluka Dindori, district Nasik, and 15 other villages of West Nasik Division and whether they propose to reduce the grazing fee to 4 annas per head of cattle as in other villages ?

The Honourable Mr. G. B. PRADHAN : There has been a distinct improvement in the matter of fire protection at Vani this year and the grazing fee has accordingly been reduced to the rate of 4 annas per head of cattle. As regards the 15 other villages a grazing fee of 4 annas per head of cattle will be levied in all the villages except in the following six in which a reduction is not yet justified :—

- Nasik Range*
- (1) Anjanneri
  - (2) Chakora
  - (3) Dudgaon
  - (4) Ganeshgaon Nasik

- Dindori Range*
- (1) Hatnore
  - (2) Nalegaon.

## WATER-RATES, WELL-IRRIGATION .

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state the reasons why the water-rates on well-irrigation on the Godavari river bank in Niphad Taluka are charged at Canal Irrigation rates ?

The Honourable Sir COWASJI JEHangIR : It is presumed that the Honourable Member refers to the water-rates levied for lift-irrigation from budkis on the banks of the Godavari River above the Madhmeshwar weir in Niphad Taluka. By their Notification No. W.I.-1815, dated the 17th February 1913, issued under section 5 of the Bombay Irrigation Act, 1879, Government have already declared that the water of the Godavari River and its tributaries lying above the weir at Nandur-Madhmeshwar would, after the first day of June 1913, be applied and used by them for the purpose of the Godavari Right and Left Bank Canals and consequently the portion of the Godavari River and its tributaries above the weir at Nandur-Madhmeshwar form, for all purposes of the Irrigation Act, parts of these two canals and therefore irrigation from budkis above referred to is charged at full-flow rates sanctioned for these canals for the following reasons :—

(1) that the budkis or lifts erected on the banks of the river above the head-works of the canals have the effect of withdrawing part of the supply to the canals, as they draw off water impounded for the use of these canals ;

(2) that the demand for water on these canals is great and that the whole of the supply available for them can be utilised for irrigation at full rates and consequently there is no reason why the canal revenue should suffer by permitting lift-irrigation at lower rates ;

(3) that in the majority of cases budkis or lifts are situated in comparatively shallow soil and as water can be taken whenever desired, it is often taken at shorter intervals than is permitted for canal irrigation ;

(4) that the advantage of being able to take water exactly when desired is such an asset that this counterbalances the cost of lifting ; and

(5) that as long as the available supply is not in excess of the demand for flow-irrigation at full rates on the Godavari Canals the levy of canal-irrigation rates on well-irrigation on the banks of the Godavari River above the canal head works is justifiable.

**BILL No. III OF 1927 (A BILL TO PROVIDE FOR THE ESTABLISHMENT AND THE BETTER REGULATION OF COTTON MARKETS IN THE BOMBAY PRESIDENCY)**

*(As amended by the Select Committee)*

The Honourable Mr. G. B. PRADHAN : Sir, I present the report\* of the select committee on Bill No. III of 1927 (A bill to provide for the establishment and the better regulation of cotton markets in the Bombay Presidency).

The Honourable the PRESIDENT : The report of the select committee on Bill No. III of 1927 is duly presented.

The Honourable Mr. G. B. PRADHAN : Sir, I move that the bill be Second reading. now read a second time.

The Honourable the PRESIDENT : The motion is that the bill be now read a second time. Does any honourable member wish to speak on the motion ?

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I want to place one important consideration before the House in connection with the second reading of Bill No. III of 1927. Up to this time the villagers have been immune from the spirit of speculation that is very rampant in connection with cotton transactions in cities and towns. The people in cities and towns are affected by the spirit of speculation in transaction about sales and purchases of cotton. Although cotton is grown in the fields many transactions for sale and purchase of cotton take place in cities and towns by people interested in speculative dealings. When such markets are started in rural parts we should guard against the development of speculation in those markets. Therefore, it is necessary that in those markets only cash transactions should be allowed and all speculative transactions should be prohibited. If forward transactions are allowed in those markets, the cultivators going to them might get the spirit of speculation on account of the temptation of becoming rich by entering into speculative bargains, and the result would be that they would be losing a great deal and perhaps ruining themselves by those transactions. Therefore, it is necessary that we should guard against these markets being utilised for the purpose of speculation. Distinct provision should, therefore, be made that only cash transactions should be allowed under the auspices of these markets.

At the same time it is desirable that the cultivators who go to these markets should have facilities for storing their cotton in godowns and warehouses, so that they may be able to hold up their cotton until they get a better price. If they once take their cotton to these central markets, it will be very difficult for them to take back their goods to their villages and then undertake a new journey to the market for the purpose of realising better price. Unless godowns and warehouses are provided they will be at the mercy of the merchants. Therefore provision should

[Mr. J. C. Swaminarayan]

be made in the bill for the compulsory provision of godowns and warehouses by the market committees. Subject to these remarks, I support the second reading of the bill.

*The Honourable Mr. G. B. PRADHAN :* Mr. President, I will remove the misapprehension in the mind of the honourable member. If you will see clause 6 of the bill, you will find that that clause empowers the local Government to make rules for the purpose of the management and regulation of cotton markets under this Act. And clause 7 says :

"Subject to any rules made by the local Government under the last preceding section and with the previous sanction of the Commissioner, the market committee may, in respect of the cotton market under its management, make by laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees."

Therefore, under the bill the regulation of business, the way in which the trade should be conducted, is left to the market committee, and the market committee will be at liberty to make by-laws suitable to the conditions of the locality. So, the matter referred to by the honourable member will not be the function of the Act ; it will be the function of the by-laws to be made by the cotton market committees.

Bill read a second time. Question put and carried.

*Bill read clause by clause*

Clause 2 (*Extent*) ordered to stand part of the Bill.

*Clause 3 (Definitions)*

In this Act, unless there is anything repugnant in the subject or context :—

- |                   |   |
|-------------------|---|
| Cotton.           | (i) "Cotton" includes ginned cotton, and unginned cotton.   |
| Cotton market.    | (ii) "Cotton market" means a market established under section 4.  |
| Grower of Cotton. | (iii) "A grower of cotton" shall not include a dealer or broker in cotton. If a question arises whether any person is a grower of cotton or not for the purposes of this Act, the decision of the Collector shall be final. |
| Prescribed.       | (iv) "Prescribed" means prescribed by rules or by laws made under this Act.   |

*Mr. H. V. PATASKAR (East Khandesh District) :* Sir, I move :

In clause 3 (i) omit words "ginned cotton."

My reasons are : the bill is primarily intended to protect a certain class of growers of cotton from being fraudulently dealt with by merchants dealing in cotton. The evidence before the cotton committee showed that ginned cotton is usually sold by traders or those classes of cotton growers who are rich and influential and who do not require any protection. I therefore think that sellers of ginned cotton do not require that protection which is required by people who sell unginned cotton. There is another reason why I oppose the inclusion of ginned cotton in this definition. It is not desirable that people who are able to take care of themselves should unnecessarily be interfered with by state in connection with their sales and purchases. The man who is able to take care of himself should be free to sell his commodity at any place and at any price he likes. I therefore think that 'ginned cotton' should be excluded from the definition of 'cotton' given in clause 3 of the bill.

The Honourable the PRESIDENT : The amendment moved is " In clause 3 (i) omit words ' ginned cotton ' . " I think the honourable member will agree with me that the word " and " also should be omitted in that case.

Mr. H. V. PATASKAR : Yes, Sir.

Question proposed :

In clause 3 (i) omit the words " ginned cotton and "

Mr. BALAK RAM : May I enquire, Mr. President, how the clause will read if the honourable member's amendment is carried ? Will it not read " Cotton includes unginned cotton ? "

The Honourable the PRESIDENT : Is the honourable mover willing to improve his amendment in any way ?

Mr. H. V. PATASKAR : Sir, I am prepared to accept the wording suggested.

The Honourable the PRESIDENT : What will the honourable member accept ? No wording has been suggested. Is the honourable member going to improve the wording of the amendment, and if so, how ?

Mr. H. V. PATASKAR : Sir, I move.

In clause 3 (i) omit the words " includes ginned cotton, and " and substitute instead the word " means. "

The Honourable the PRESIDENT : The improved amendment is before the House.

The Honourable Mr. G. B. PRADHAN : Sir, the honourable member's argument is that persons who sell ginned cotton are quite literate and are able to take care of themselves and therefore they should not be protected. The object of the bill is to protect growers of cotton from undue exactions at the market. It may so happen that an illiterate man who is not able to sell his unginned cotton may get it ginned and bring it into the market, and yet he will be protected as the bill stands at present. The illiterate man will be protected under the bill, and it does not matter if the literate man is also protected. At any rate there is no hardship on the literate man. This argument was considered in the select committee and it was decided there to omit only the words " cotton waste " and the other parts of the definition were kept intact.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, there are certain restrictions laid down by this bill with regard to the sale of cotton, and I think there should not be any restrictions placed upon individuals who are well able to take care of themselves.

Question put and lost.

Major W. ELLIS JONES : Sir, I rise to move that ;

" Section (iii) of clause 3 of the original do remain part of the bill. "

My reason for this proposal is that the select committee in its eagerness to bring the district local boards under the Act did not realize the value of the Divisional Cotton Committees to the Presidency and to the cotton grower. The Divisional Cotton Committees have for some time been doing very valuable work for the cotton trade and the cotton trade will

[Major W. Ellis Jones]

have to continue to look to them for advice and guidance on many matters. The district local boards could not fill the place occupied by the Divisional Cotton Committees under any circumstances. The Divisional Cotton Committees which did not consist of Government officials, but of men who were impartial in their outlook and whose sole interest was the development of cotton and the fear that Government might force markets on the trade had so obsessed the minds of the members of the district local boards that they could see nothing but the absolute tying of the Act to the District Local Boards to prevent this. If official recognition which this clause proposes to give to the Divisional Cotton Committees is not given it would be exceedingly difficult to get people to serve on these Committees. Cases might arise in which petty jealousies in district local boards might prevent the establishment of a market. To whom then could the grower look for protection of his interests? Now that they have shown their desire to remove the initiative from Government, I can only say that in the interests of the cotton trade as a whole this clause should remain part of the bill, as there will then be a body whose interests are exclusively devoted to cotton, to whom Government and the trade can look for advice on questions which are somewhat wider than the honourable members who oppose this clause imagine. With these remarks I ask the House to accept the inclusion of this clause.

Rao Bahadur B. R. NAIK (Surat District) : May I say, Sir, that the honourable member Mr. Jones does not mean the divisional cotton committees which are going to be established under the Act, but he means the divisional cotton committees which are in existence at present?

Major W. ELLIS JONES : The honourable member forgets that the committees which are in existence have nothing to do under the Act.

Rao Bahadur B. R. NAIK : Mr. President, I am sorry to have to oppose the amendment of my honourable colleague on the Indian Central Cotton Committee on this question. Perhaps he does not understand or does not know the constitution of the Divisional Cotton Committees. There will be two members to represent the cotton trade for the whole division on it. Out of five or 6 districts in a division there will be two members belonging to one or two districts and they may not know the interests and wants of the other districts. They do not know the conditions prevailing in other districts. I therefore oppose the amendment of my honourable friend Major Jones. At present the Divisional Cotton Committee is composed of two representatives of the agriculturists, two representatives of the co-operative movement, two Government officers and two merchants, who know something about cotton trade. It is purely a nominated body. There is nothing like election there and Government can nominate anyone they like. Therefore, I think the committee will not be acceptable to the growers. When the bill came before this House for the first reading it was given out by the honourable the mover of the bill that it is purely a permissive bill, and it was also said that it was brought forward in the interests of the agriculturists and Government will be confused by accepting this amendment. Suppose, for instance in my capacity as President of the District Local

[Rao Bahadur B. R. Naik]

Board, Surat, I say that I do not want any cotton market and in my capacity of a member of the Divisional Cotton Committee I require a market at a certain place, which of the two recommendations would be carried out by Government? They will naturally be confused. It has been admitted by the honourable mover of this bill, that it is solely in the interests of the agriculturists. Out of so many institutions created by Government and out of so many bodies composed of officials and non-officials the district local board may be safely said to represent the rural area which means the agriculturists. Therefore, I say that the district and taluka local boards are the proper bodies to represent the views of the agriculturists to Government. I am therefore, opposed to the amendment and am in favour of retaining the provision as it is.

Mr. R. S. ASAVLE (Bombay City, North): Mr. President, I rise to oppose the amendment moved by my honourable friend Mr. Jones. He was on the select committee and it would have been better for him to have suggested this idea there. But it was not at all suggested then. This idea came to his mind, I think, after the bill was passed in the select committee and the copy was signed by him.

First of all it must be borne in mind that the bill was introduced for the benefit of the cotton growers and not for the benefit of other people such as Government or even the cotton merchants. It was distinctly stated in the statement of objects and reasons that this bill is intended specially for the benefit of the cotton growers and as such this amendment should not be accepted by this House. I quite agree with the honourable member Rao Bahadur Naik and I endorse every word that has fallen from him. I must also state that if this clause was necessary it would have been included by the select committee if it had been brought before that body. But I put it to the House that as this was not brought before the select committee, and was not discussed there, it should not be accepted by this honourable House.

The Honourable Mr. G. B. PRADHAN: Mr. President, I think if I explain this matter it will meet the wishes of the House, because if the honourable member will please refer to the amendment to clause 4 (1) which I have suggested, he will see that it will meet his wishes. The bill as originally drafted consisted of two things. There was power of initiation given to Government and also there was the power of making a representation given to the cotton committee. The select committee thought that instead of the cotton committee there should be the district local board, but at the same time they took away the power of Government.

The amendment which I have suggested in clause 4 (1) is that after the words "The Local Government may" and before the words "upon a representation, etc.," add the words "after consulting the district local board and such other local authorities as they deem necessary or."

New if these words are inserted the wishes of the honourable member Mr. Jones will be met. I find that it is not only as the Minister in charge that I hold that view, but I find that the honourable members Mr. Jog, Rao Bahadur Kambli, Mr. Pataskar and Mr. Bhosle, also hold the view that the power should not be exclusively left to the district local board

[Mr. G. B. Pradhan]

to make a representation as the clause now stands. The clause as amended by the select committee leaves it entirely to the district local board to take an initiative and to make a representation and thus the hands of Government are tied down, while the clause as originally drafted gave the power of initiation to Government. If the House amends the clause as I have suggested and as suggested by several other honourable members coming from the cotton growing districts, I think the honourable member Mr. Jones need not have any anxiety, because the power of initiation is there with Government, and I think at least Government should be credited with using that power in a way beneficial to the committee itself. So if the House is pleased to amend clause 4 as suggested by me, then the amendment proposed by the honourable member Mr. Jones is unnecessary.

The only question discussed in the select committee was whether the representation should be made by the cotton committee or by the district local board, and somehow or other the members of the select committee thought that for the interest of the cotton growers this power of representation should be given to the district local boards, but at the same time by a majority they thought that the power of initiation which was given to Government should be deleted.

But I find that there are several dissenting minutes from non-official members and they think that the power of initiation ought to be there, because there are several cotton markets at places like Hubli, Dhulia etc., and if such power is not given to Government and if there is a representation made by a municipality or a cotton committee and if the hands of Government are tied down, those representations may be brushed aside and there would be a great hardship.

Therefore if the amendment which I have proposed is accepted by the House the wishes of the honourable member Mr. Jones will be met.

MR. NOOR MAHOMED (Hyderabad District): Sir, I think the Honourable Minister by saying what he has done just now is going back upon the position that he had finally taken in the select committee, after full discussion.

In the select committee, Sir, it was pointedly made out that the local boards were the proper representatives of rural areas and of the growers of cotton; and that they were the fit bodies to make a representation to the Government whether cotton markets should be started in a particular area or not, and to that Sir, the Honourable Minister had agreed in the select committee—at least he never disagreed—but certainly he never said anything in the select committee that he would bring up this matter before this House.....

The Honourable Mr. G. B. PRADHAN: My minute of dissent is there. I also pointed out.....

MR. NOOR MAHOMED: He never said in the select committee that he was bringing this matter before the House. He agreed with the decision of the select committee on this point. But now he considers that it is unsafe to give this power to the district local boards; and by what he has stated in his minute of dissent he is going to create a fight between the municipalities and the local boards over the income



[Mr. Noor Mahomed]

that the sale of each bale or bag of cotton would bring to the local authority. If I am not revealing what happened in the select committee, I may tell this House that in the select committee there was a fight on this particular point.

The Honourable the PRESIDENT : Order, order. I may just point out that the Honourable Minister referred to his amendment, which may be reached hereafter, as a sort of a suggestion which he thought was a satisfactory reply to the honourable member Mr. Jones, namely, that if he waited a little, probably his object might be served if that amendment of the Honourable Minister is accepted.

Now although the subject is before the House, that amendment should not be discussed by the House at this stage. The question before the House is the amendment proposed by the honourable member Mr. Jones, and as a side argument the honourable member for Hyderabad district may refer to what the Honourable Minister has said.

Mr. NOOR MAHOMED : I do not want to go into the merits of clause 4. I only say that the divisional cotton committees have not proved themselves to be representative of any area or any division of this Presidency anywhere. It represents nobody. Therefore, Sir, when we consider a measure like this which is said to be to the interests of the growers, I think to bring in this body merely to dictate where a cotton market should be or should not be is absolutely unsafe, and I request honourable members of this House to remember that this definition is incorporated in clause 4 and that therefore this amendment should be rejected.

Major W. ELLIS JONES : Sir, in view of what the Honourable Minister said, I would like to withdraw my amendment.

Question put and leave granted.

Major W. ELLIS JONES : My next amendment, Sir, is only to make the definition clear. It reads :

For clause 3, Sub-clause (iii) substitute the following :—

“ A grower of cotton shall not include a dealer or broker in cotton, although such a person may grow cotton. If a question arises whether any person is a grower of cotton or not for the purpose of this Act, the decision of the Collector of the district in which the person permanently resides shall be final.”

The Honourable Mr. G. B. PRADHAN : I will accept it, Sir ; the amendment only makes the meaning clear.

Question put and carried.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I beg to move that —

“ In place of the word “ dealer ” in clause 3, sub-clause (iii), the words “ purchaser ” be substituted.”

And my reasons briefly are these. I think that while the objection to the inclusion of purchasers of cotton and brokers dealing in cotton among the class of people who are defined as cotton growers is sound, the same objection to sellers of cotton does not appear to me to be sound. Where cotton transactions take place in a market, there are two parties represented, the seller and the purchaser. The seller stands in the shoes

[Mr. Jairamdas Doulatram]

sometimes of a cotton grower. It is the interest of the cotton grower, as represented directly by him in the market or his agent or as represented indirectly by the seller that Government wishes to protect, and, therefore, if you so define the cotton grower as to exclude the seller, what will happen will be that on the cotton market committee you will have cotton growers, but probably many of the actual dealers on behalf of the cotton growers in the market will be sellers, even though they may not be themselves growing cotton. It is not every cotton grower who brings his cotton to the market. Many cotton growers sell their cotton to others, who go and sell it in the market, and there in the market, the seller stands in the shoes of the cotton grower. Every advantage which the seller gains under the market committee's rules is an advantage really given to the cotton grower, and therefore, a provision has got to be made to include in the cotton growers electorate sellers who may not be cotton growers. Otherwise, what will be the consequence? You have got two electorates for representation on this market committee—the cotton growers and the dealers in cotton. By dealers in cotton it will mean both sellers and purchasers. Then, in that electorate you are throwing together people representing two conflicting interests. It is the interest of the seller which is in conflict with the interest of the purchaser, and if you throw that seller out of the electorate of the cotton growers with whom his interests coincide and put him in the same electorate with the purchasers of cotton, you are bringing about a conflict in the latter electorate. You must exclude the seller from that electorate and put him in the electorate of the cotton grower. That is my point. I will explain it further. Suppose, I am a cotton grower. I am 30 miles away from the market and I sell my cotton to somebody who comes and purchases it from me. Now, I do not go to the market to sell my cotton. The man who has taken it from me is the man who goes to the market. Whatever advantage this man gets from the purchaser is an advantage really accruing to me sooner or later. Whatever better price he gets will indirectly and ultimately in the subsequent transactions, come to me, and yet you are excluding the seller from the cotton growers' electorate!

Question proposed.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I rise to oppose this amendment for the simple reason that the honourable member who has moved this amendment stated that the man who purchases cotton from the cotton grower should have also the right of being elected on the market committee. But I say, if he is afraid that the purchaser will have no interest in the sale of this cotton in the cotton market, that can be cleared off, because the cotton can be sold in the cotton market by anybody. No purchaser of cotton from the cotton grower is prevented from selling. He has got the right to sell his cotton in the cotton market. It is only that a dealer or purchaser will not have the right of being on the market committee, and for that reason or object the select committee has chosen this word "dealer," that is, one who deals in cotton and not one who grows cotton. He can only be on the market committee. That is the only difference. This is the definition of that word, and that is why

[Mr. R. S. Asavale]

the select committee came to the conclusion that the word "dealer" should be included, so that there should be no difference of opinion in the matter. That is why I say the honourable member will withdraw his amendment to the amendment.

Mr. NOOR MAHOMED (Hyderabad District): Sir, I am surprised at the very clever way in which my honourable friend from Hyderabad has tried to include a new class of people, "the sellers" among the growers. This bill is meant to protect the interests of the growers against the whole world—the purchaser, the dealer, in fact any person who is not himself only a grower of cotton. Now, my friend wants that the class of "growers" should consist of the real grower as well as the middleman, the seller, who buys from a grower and re-sells to another seller, called in this bill, the dealer.

The "seller" of my friend is the middleman who wants to make profit, by purchase of cotton from the grower and its sale to another man. This bill is meant to put down the middleman who really takes the profit that should belong to the grower. He says it is impossible for the grower to go to the cotton market, his "seller" represents the grower in the market, and therefore, the seller should get the benefit of the cotton market. In fact he wants all the benefit to go to the middleman, namely, the seller. I think this is a curious amendment which is absolutely against the principle of the bill and therefore I oppose it.

The Honourable Mr. G. B. PRADHAN: Sir, I must oppose the amendment. As represented by two of the previous speakers, I submit that the question arose as to what representation should be given to the actual growers of cotton and what should be given to other interests. That is why it became necessary to define the words "grower of cotton." In that definition if we delete the word "dealer" and substitute the word "purchaser," then the honourable member also wishes that the purchasers, who actually take the cream out of the profit namely, the middlemen, should also get representation along with the growers. Some of the honourable members of the select committee insisted that two-thirds representation should be given to cotton growers, and I said that we should define the words "grower of cotton" so that representation reserved for cotton growers should not be taken away. Therefore the definition was inserted and to accept the amendment would be to go against the very principle of the bill.

Question put and lost.

Mr. H. V. PATASKAR (East Khandesh District): Sir, the amendment I wish to move reads as follows:—

"In clause 3, sub-clause (iii) before the word "dealer" add the word "habitual."

My reason is that at least in my district there is a class of cotton growers who, on occasions, purchase cotton and to that extent are also dealers in cotton, and I do not think that when a man is mostly a grower of cotton and only on occasions deals in cotton, he should be excluded, but that a habitual dealer alone should be excluded.

Question proposed.

The Honourable Mr. G. B. PRADHAN : Sir, the English word "dealer" connotes only a habitual dealer. If I sell my furniture, I do not become a dealer in furniture merely because for special reasons I have to sell my furniture. I do not think there is any necessity of inserting the word "habitual" before the word "dealer" because a person who merely makes casual purchases will not be a dealer.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I oppose the amendment, because it seems to be a case of a big fish swallowing a small fish. Those who buy cotton from the growers, though they are not actually the traders or the dealers in cotton, make much more profit. The object of this bill is to benefit the growers of cotton. This object will be frustrated if the word "habitual" is inserted before the word "dealer." We are not going to find out whether the man who deals in cotton is a habitual dealer or only a permanent dealer. That we cannot decide and so this word "habitual" would be harmful to the object which the bill seeks to achieve.

Question put and lost.

Original amendment put and carried.

Clause (3), as amended, ordered to stand part of the bill.

*Clause 4 (Notification of a Cotton Market) :-*

(1) The local Government may, upon a representation made by the District Local Board, by notification in the *Bombay Government Gazette*, declare that any place shall be a cotton market established under this Act.

(2) Every such notification shall define the limits of the cotton market so established, and may, for the purposes of this Act, include within such limits such local area as the local Government may prescribe.

The Honourable Mr. G. B. PRADHAN : Sir, I wish to move the following amendment :—

In clause 4 (i), after the words "The Local Government may" and before the words "upon a representation, etc.," add the following words :—

"After consulting the District Local Board and such other Local Authorities as they deem necessary or."

As I said, the honourable member Mr. Noor Mahomed was certainly not right when he said that I actually said that Government did not want the power of initiative. I never said that. Not only I never said that in the select committee, but I made it absolutely clear as to how the clause was drafted and I immediately put down a dissenting minute by saying that if this power was taken away, as apprehended by the honourable members who come from the cotton districts such as my honourable friends, Rao Bahadur Kambli, Mr. M. G. Bhosle and others, some of the district local boards would be doing a thing which they should not do, not deliberately necessarily but carelessly or negligently, and they may not make any representation at all. In that case, if no representation comes from them, Government will have to sit quietly. Suppose a representation comes from a municipality within whose area there is already a cotton market, for example, Chalisgaon, and suppose that that municipality makes a representation and if that representation is a sensible one, Government will not be able to take action if the power of initiative is taken away from them. We are not averse to giving the power to district local boards. The district local board will be consulted,

[Mr. G. B. Pradhan]

it has got the power of making representations. The different amendments are really one though couched in different words. The amendment which I am suggesting should not be construed into a wish on the part of Government to take power in order to force a market where it is not wanted, but it is meant to provide for cases where a market is in reality needed. I think there must be some power with Government to take action when a representation comes from a responsible body like a municipality or some other body. Government must have power to move in the matter after consulting district local boards and other authorities. This is the object of the amendment which I have moved.

Question proposed.

Rao Bahadur B. R. NAIK (Surat District): Sir, I rise to oppose the amendment proposed by the Honourable Minister. I do not want to say that what the Honourable Minister has stated is incorrect, but I am inclined to support my honourable friend Mr. Noor Mahomed as to what happened in the select committee. It was clearly understood in the select committee that the power of initiation should be taken away from Government. At the time of the first reading, the Honourable Minister in charge of the bill distinctly stated that he was prepared to place his cards on the table, and to meet the wishes of the non-official members of the House in any way they liked. Now, I think, the Honourable Minister is swayed away by the dissenting minutes of some of my honourable friends from the Karnatak, and other places and he wants to meet their wishes. Will the Honourable Minister be pleased to tell the House what earthly interest the municipalities have in the cotton growers. This bill simply relates to the establishment of cotton markets in the presidency. You have simply to know the views of the rural areas, and you have to indicate the agencies through which the views of the rural areas are to be known. As soon as they find out that they want to establish a market, if it is to be established in a municipal area, the members of the municipality will be consulted; the site will be selected with their consent. Nothing would be done without their consent. The intention of this clause is to find out the wishes of the cotton growers whether they want a market or not, and we have to decide on the best means of finding out their wishes, and it was decided, after full discussion in the select committee, that the district local board is the only agency which is suitable for this purpose. The Honourable Minister just now stated that there are cotton markets at present situated in some municipal towns. Does he mean to say that the members of those district local boards will say that they do not want a cotton market there? The site is to be selected by Government, and Government may establish a market. Where is the necessity of this amendment? It is superfluous.

The Honourable Mr. G. B. PRADHAN: Why?

Rao Bahadur B. R. NAIK: Because, even to-day, though Government are not bound to consult the wishes of other bodies, yet it is the convention of Government that they consult the wishes of other bodies in connection with important bills. Government may take the advice of the

[Rao Bahadur B. R. Naik]

municipalities, or the divisional cotton committees, or co-operative societies, and such other bodies interested. This is a permissive bill, and the amendment moved changes the whole aspect of the bill, and I strongly oppose it. It was the intention of the Honourable Minister that this should be a permissive bill, and he stated that he was not going to force anything on the public. But the amendment has changed the whole aspect, and now Government may after consulting the district local board and such other bodies as they deem necessary establish a market against the wishes of the cotton growers. Now, it is for the Government to decide whether to take the advice of the other bodies or not. The municipality may say that they want a cotton market and the district local board may say that they do not want ; in the same way, the co-operative societies may say that they want a market and the divisional cotton committee may say that they do not want it : and Government may say there is a conflict of opinion and they will not move in the matter. It is true that the hands of the Government have been tied down, as regards initiation and that was the intention of the select committee. I do not say that what the Honourable Minister has stated is incorrect, but he has agreed to the principle that Government should not take the initiative. The Honourable Minister has stated several times in the select committee that the bill as revised will take away from the Government the power of initiation. When he found out that that was the wish of the majority of the select committee, he agreed to it, and accepted the position.

Now, Sir, what is the defect with the members of the district local boards ? It has been stated that they might be negligent in performing their duties, and therefore Government will not at all be able to establish a market in a place where it is necessary. Now, honourable members know that the members of the district local boards are from the rural areas, and they can bring in a resolution in the district local board that such and such a place is suitable for a cotton market and it should be established. That matter will be discussed in the district local board ; the district local board will consult the taluka local boards, and communicate their decision that such and such a part of the district wants a cotton market. Government may then consult other bodies. Now, Sir, I have gone through the minutes of dissent of my honourable friend Rao Bahadur Kambli and some other honourable members and in one of them it is stated that perhaps there will be many lawyers and doctors on the local boards. If that is the danger in the case of district local boards, then it is the greater in municipalities, because lawyers and doctors will be in greater numbers in the municipalities. But mostly the district local boards are composed of members from the rural areas. Moreover, there is one thing which I want to impress on the mind of the Honourable Minister, that this is a bill primarily meant for the agriculturists. The municipalities and urban areas have no interest whatever in the cotton growers of the district, and I do not see why they should be given these powers of initiation. Therefore, I strongly oppose the amendment,

[Rao Bahadur B. R. Naik]

Then again, the wording of the bill is that Government "may" open a cotton market; they are not bound to open it, even if the district local board desires it. If the district local boards say that they do not want a market, Government are not bound to abide by their wishes. But the main point that I wish to bring before the House is that the members of the district local boards will not be so stupid and foolish as not to be able to look after the interests of the people concerned. I think that the amendment of my honourable friend Major Ellis Jones was far better than the amendment just now proposed by the Honourable Minister. It has changed the whole aspect of the bill; it has taken away the spirit of the bill. Government promised that this is going to be a permissive bill, but now they want to amend it in such a way that they will be in a position to thrust a market on the people, even if they do not want it. With these words, I oppose the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the amendment moved by the Honourable Minister for Excise. This is a bill primarily meant for the cultivators, and the interests of the cultivators are likely to be well guarded by the district local board on which the cultivators have the greatest voice. Now, as soon as this bill is passed, all the unregulated markets are not going to be stopped. They will continue. Therefore, there is no reason to suppose that the unregulated markets that just now exist and are being worked will disappear as soon as this legislation is passed; they will continue. There is no question, therefore, of closing down a market that is already in existence. But it is a question for creating new markets. It may be a question for the grower of cotton to consider whether an unregulated market which already exists has to be regulated or not. There are two questions, the opening of new markets and the regulating of unregulated markets that already exist. If the agriculturists think that an unregulated market is against their interests and should be properly regulated, they will at once, through the district local board, decide to have the unregulated market put under proper regulations, and it is the business of the growers of cotton to make that recommendation to the district local board, and if a new market is to be opened, then also the growers of cotton will be able to make a representation to the Government for the purpose of opening such a market in the district local board. Consequently the district local board is the only body that can have a determining voice for the purpose of opening a new market or regulating the existing market.

There are two distinct points that are to be borne in mind. Always the interest of the growers and those of the consumers will clash. The municipal bodies will represent the point of view of the consumer and not that of the grower. The purpose of this bill which has been brought by Government is for safeguarding the interests of the cotton growers, because the cotton growers are illiterate and are being robbed and fraudulently dealt with by the consumers who are more literate and consequently better able to deal with growers in fraudulent ways. Therefore it is necessary that the growers of cotton should have the

[Mr. J. C. Swaminarayan]

determining voice and this voice can only be exercised through district local boards. If the amendment is accepted, then even against the wish of the cultivators Government can open a new market. If certain other bodies wish to have a market, Government will be able to establish it even if the district local board is not in favour of it. The way in which the clause is sought to be amended will bring about conflict between district local board and municipality and between co-operative societies and district local board. In this way it will be a confusing spectacle before Government to decide whether to carry out the recommendation of the municipality or that of the district local board.

The fact that the Honourable Minister accepted the amendment of the honourable member Mr. Jones brings out the truth that Government want to safeguard the interests of the people who are really growing cotton and not the people who are dealing in cotton and pose themselves as growers. These people are excluded from the definition of "growers of cotton." If the interests of the growers of cotton are to be safeguarded the only body that is most democratic and most representative of them is the district local board which should have the determining voice. The Honourable Minister is attempting to go back upon the decision arrived at by the select committee. I think it would be better if the Honourable Minister accepts the decision arrived at by the select committee. Therefore I think that it would be better to allow the bill to stand as amended by the select committee.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I rise to support the amendment moved by the Honourable Minister. In the select committee the original section was so amended as to show that the Government may open the market on a representation made by the district local board. I do not understand how the whole aspect of the clause can be changed by the addition of the words 'after consulting, etc.' As has been pointed out by the honourable member Mr. Naik Government may or may not open the market. It contains only a provision for consulting the local bodies. What is intended by the amendment is that there should be some specific provision for consulting certain other interests also. Most of the existing markets which are to be regulated by this Act are within municipal areas. There are certain other interests also which are concerned in the establishment and regulation of these markets. There is absolutely no harm in consulting those bodies also, which Government could have done even in the absence of any specific provision to that effect. What is sought to be done by this amendment is simply to make it explicit by the addition of the words "after consulting ..... such other interests." Therefore I think that there is nothing wrong in the amendment. The local boards are not the only bodies which can safeguard and voice the interests of the growers. There are other bodies who are equally interested in cotton growers. I do not understand why there should be a conflict between the local boards and the municipalities if a provision is made that they also would be consulted. Even after consultation with the municipalities and the district local boards, Government may or may not establish markets in any



[Mr. H. V. Pataskar]

particular area. I think that the amendment is only fair and I have given notice of a similar amendment that "after consulting . . . such other bodies whose interests are affected." I think that this is a sound principle that all other interests which are to be affected by this market should be consulted. I think that there is absolutely nothing wrong in the principle underlying the amendment.

Mr. R. S. ASVALE (Bombay City, North): Sir, I rise to oppose the amendment moved by the Honourable Minister. It was argued by the honourable member Mr. Pataskar that there are many other bodies which are interested in the establishment of a cotton market. It has been pointed out by another honourable member that municipalities have got nothing to do with the cotton growers who belong to rural areas of the district. The growers of cotton come from rural area, where there are no municipalities. Municipalities exist in big cities and towns. There the cotton growers do not reside at all. In municipalities only the cotton dealers and merchants reside. When the power is given to Government to open a market, perhaps they may be influenced by the big persons in the city areas and open a market against the wishes of the actual cotton growers. I am sure that if the amendment made in the select committee is accepted then it will be in the interests of the cotton growers. If power is vested in Government they may choose such places for market which would not be liked by the growers of cotton. The cotton growers have not been given any rights in the municipalities and so the municipalities have no right to claim that they should have a market at a certain place where they desire to have it. On the other hand the cotton growers are fully represented on the district local boards. It is quite clear from what the honourable member Mr. Pataskar stated that the existing cotton markets are in municipal areas. I am quite sure if these markets are beneficial to or are in the interests of the cotton growers they will not allow them to be removed. Cotton growers are first to look to their own interests and not to the interests of other people who have no concern with them. I do not think that the power sought to be vested in Government by this amendment should be given to them. This is not the time.

When introducing the bill for the first time it was distinctly stated by the Honourable Minister that the bill was in the interests of the cotton growers, as will also be clear from the statement of objects and reasons shown in the bill. Let us see how the present clause is beneficial to the cotton growers. If it does any harm to anybody then the clause can be amended in any other session after a year or two. We have been amending at every session of this House many other laws, and we can at any time pass an amendment changing this Act. At any moment Government can bring in an amendment to this Act, if they find that this is not beneficial either to the cotton growers or others. I therefore hope that the Honourable Minister will withdraw this amendment as he promised in the select committee.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I rise to support the principle of the amendment moved by the Honourable

[*Mr. Jairamdas Doulatram*]

Minister. It appears to me that the trend of the objections of those who oppose the amendment is that certain rights of initiation conferred on district local boards under the original draft are being taken away by the amendment. It seems to me that even under the old draft Government did not hand over the final decision with regard to the location of cotton markets to district local boards. The wording "*may upon a representation made by the district local board*" makes the thing quite clear, and the further words to the effect that the markets may be opened in any place notified by Government in the Gazette makes the thing still more clear. All that this amendment proposes to do is to provide for a consultation with municipalities or other local bodies. If the amendment is read with the clause in the bill, you will find that the words "*or upon a representation by the district local board*" are retained; all that is added is that there should be consultation with other local authorities, which, I suggest should take place whether the initiative comes from the Government or from a district local board.

I also demur to the proposition that Government has only to look to the interests of cotton growers. No legislation can be so framed as to affect the interests of only one particular section of the people. While legislating the Council has to see that while protecting the interests of any particular section the interests of any other section are not unduly interfered with. If it is a fact that in many places the markets will actually be located, as I understand they are in some places located, within municipal limits, I think it is but fair that the municipalities concerned should also be consulted. After all, it is not the object of this amendment that Government should accept the municipality's recommendation and not the district local board's. Government has reserved to itself the ultimate power of declaring a market. Where a market is already in existence, and it is suggested that it should be shifted, the amendment does not say that if the municipality objects the objection will stand good. The amendment provides only for consultation with other local bodies and I think it is necessary if the bill is to operate fairly.

Mr. NOOR MAHOMED (Hyderabad District): Sir, in this bill section 4 is the most important section. By this amendment the Honourable Minister seeks to take full powers for establishing or not establishing a market in any place as Government like. From the very beginning, the Honourable Minister has put forward the plea that he is bringing forward this bill in the interests of the growers of cotton. But to-day by this amendment he leaves the growers to the mercy of the municipalities, who have not the least interest in agriculture and agriculturists. I am afraid the municipalities if they are allowed any voice in the establishment of markets will look more to the interest they are likely to derive from sale of cotton within their own limits than to the interest of the growers. They will therefore support or oppose any proposal for the creation of a market from the point of view as to how much the municipality concerned is to gain or lose by the establishment of a market within or without its area. It is stated that there are "other sections" also interested in the sale of cotton besides the local boards. May I know

[Mr. Noor Mahomed]

what is the interest of the municipalities ? They have one and only one interest and that is to derive some income from the cotton brought for sale within its market : a certain number of annas per bale will be deposited in the coffers of the municipality when cotton comes for sale within the area of the municipality. By this amendment the Honourable Minister will, in effect, be protecting only the interests of the municipality. There is no misunderstanding about this point. Those who have advised him to bring this amendment have made him take a false step. The municipalities should never be allowed to have a choice in the matter of the location of a market under this bill. This point was very well discussed in the select committee and the decision of the select committee was against the inclusion of this amendment. If Government want to press this amendment, I am afraid the Honourable Minister will, with officials, carry the day. But then he should never come forward before the House and say that the bill is in the interests of the growers of cotton. Those who advised him to adopt this amendment have led him into a trap and they are the enemies of the growers of cotton.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I find that the Minister has changed his mind. It often happens in the select committee that Ministers do not know their own mind, and it is sometimes pointed out to them by the Legal Remembrancer and others that they have blundered.....

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I object to that statement.

MOULVI RAFIUDDIN AHMAD : Am I to understand that Government objected to it in the select committee ?

The Honourable Mr. G. B. PRADHAN : I did urge the Government view in the select committee.

MOULVI RAFIUDDIN AHMAD : Then there is a difference of opinion, a strong difference of opinion, about the fact. Some members say that the Honourable Minister sat silent there.

Mr. NOOR MAHOMED : Sir, if you will permit me, I will say in fairness to the Honourable Minister that he wanted Government to have the power of initiating enquiries. He insisted on having the power of initiation with Government, but he gave way later on.

MOULVI RAFIUDDIN AHMAD : Then, it seems to me that he insisted upon it and then surrendered ; and after surrendering he repents that it was a disgraceful surrender, and he now wants to improve his position. But I am sorry to say that he will not improve his moral position at any rate, although he may carry the day. Originally the Honourable Minister's statement was that he would leave the bill to the House and Government would not force the legislation on the House. But now, Government wants to become a party to this amendment. If the Honourable Minister wanted to leave it to the House, he could have left this amendment to be moved by my honourable friends representing the municipalities. When Government becomes a party, it is a very

[Moulvi Rafiuddin Ahmad]

difficult thing in this House to carry anything, unless the House insists upon Government carrying out their pledges. Here in this particular case the Honourable Minister will be well advised in not insisting upon this, leaving it to the House and withdrawing his own motion. This will be the right position for him to take : who can be the most interested party in this affair excepting the growers and their representatives the district local boards. I think it would be increasing the conflict between the municipalities and the district local boards adding confusion and embarrassing the position of Government. Therefore the Honourable Minister will be well advised to withdraw his amendment both from his moral and material point of view.

The Honourable the PRESIDENT : I would request honourable members not to refer to what happened in the select committee, but to proceed with the discussion of the clause before the House.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Sir, the clause which we are discussing is only in regard to whom Government should consult before declaring a place as suitable for a particular cotton market. The House must have seen that on this question there is a fight between the representatives of the municipality and the local boards. I do not wish to enter into that controversy because both those interests are capable of taking care of themselves. I am only referring to the argument that has been brought forward that these two interests are anxious for the interests of the growers and those independent members who are neither representatives of municipalities nor local boards will never consider that this is in the best interests of the growers. I am sorry to find that the honourable member Mr. Noor Mahomed has said that the Honourable Minister does not look to the interests of the growers. The principle involved in the bill is whether the establishment and the better regulation of cotton markets is necessary in the Bombay Presidency in the interests of the growers. It is not a question of protecting them, as the honourable member Mr. Swaminarayan has said, from the robberies of the consumer. The question is whether there is necessity for a market or not. I do not think it matters if one party or the other is consulted as regards the place where the market should be situated. We are placed in such a position that we cannot do anything against Government and the parties who are anxious to safeguard the interests of the growers should decide between themselves and come to a definite conclusion. If we are wise we ought to make up our differences and agree as to who should be consulted by Government.

Having said so much I will only say that if the bill is brought forward in the interests of the growers, how is Government going to be harmful to the growers if they consult only a particular body ? Every one is agreed that it is an advantage if the market is established. But how can we say that it will not be in the interests of the growers if one party is not consulted ?

Another thing that I want to say is that representatives of both parties have said much about the growers' interests. I congratulate them as

[Mr. Lalji Naranji]

they have got so large a number of sympathisers. But the dealer is a nobody. As a dealer I know that I am in a minority, but let me remind the representatives of growers that they cannot do without a dealer. The dealer is a third party who is neither concerned with the consumer nor the grower. With the majority that they command both these interests have deprived the dealer of even being represented at that committee and as they are in a minority they have to drop it.

I would next draw your attention to the irrelevant and irresponsible manner in which dealers have been confused with consumers. I wonder how the honourable member Mr. Swaminarayan, who is a philosopher and mathematician, should have confounded the dealers with consumers. I do not think that anybody can deny that dealers are a real necessity for any article that is produced or requires to be marketed. The grower will grow and it is the dealers who would get the price of the article that is grown. Unless he gets the price of what he grows the interests of the growers will not be served.

After all it is a small point as to which interests may be consulted. I appeal to both interests to unite and settle their differences. The bill is brought forward in the interests of the growers and it should not be sacrificed for the sake of a difference of opinion on a smaller matter as to which body should be consulted, the municipality or the local board. I, therefore, commend the acceptance of the amendment.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Mr. President, I rise to support the amendment. It must be noted, Sir, that it is in the municipal areas that most of the cotton markets at present exist, and it is the municipalities that have contributed to the increase and growth of the cotton trade in this presidency by providing facilities for the trade. It is only reasonable and fair that these local authorities should be consulted in connection with the question of establishing cotton markets under this Act in any particular district. To give the power of initiative to the district local boards and to ignore the municipalities is to do great injustice to the municipal bodies. It does the local boards no harm if the Government is vested with power to consult the other local authority also. The amendment does not restrict the Government's power to consult only one body namely, the municipality, but it gives them a wider power, a power to consult not only the district local board but also the municipality. I submit that the amendment is a fair and reasonable one and ought to be accepted by the House.

Mr. J. R. PATEL (Kaira District) : Sir, I rise to oppose the amendment. The question is not whether the representative should be from this local body or that local body. There is no question about the location also. The only question is, would the amendment give that power to Government which is taken away by the select committee? As amended the section would read thus :—

“The local Government may, after consulting the District Local Board and such other local authorities as they may deem necessary or upon a representation made by.....”

Thus Government get the power to force markets at places where they may not be wanted.....

The Honourable Mr. G. B. PRADHĀN : The honourable member is misreading the section. It is obligatory on the part of Government to consult the local board.

Mr. J. R. PATEL : No. I am reading the section correctly. The duty of Government would end at consultation. After consultation Government is free to establish a market even if the local bodies do not want it. They can force it upon them. There is nothing in the section which will prevent Government from establishing the market against their wishes.

Looking to the wording of the amendment Government is not bound to follow the advice of the local bodies. Government can set aside the wishes of the local body or can force the market on the local body even if the decision of the local body is against having it. I object only to that. If the district local board's advice is bound to be accepted, then I have no objection to the wording of this amendment. I may suggest some wording which will make it clear. I would suggest that some such words as "and after obtaining their assent" may be added after the word "consulting." That would serve my purpose, and would make the Act as innocent and permissive as it is represented to be.

Dr. M. K. DIXIT (Surat City) : Sir, the question of local boards and municipalities has been introduced in the discussion as regards the proposed insertion in clause 4. If the object of the bill is to protect the interests of the cotton growers their representatives should have a voice in deciding whether a cotton market is needed or not, and it is but fair that the district local boards being the representatives of the cotton growers should be the parties to be consulted in this matter. So far as I am concerned, I cannot say about other divisions in Gujarat, but I can positively say that in the Surat district local boards, I do not think there is a single lawyer who is a member of the district local board, while there are several lawyers and several doctors in the municipal boards of several cities ; and so far as I can see, municipalities have very little to do with the cotton growers in the districts. If a municipality wants to levy some cess or toll, it can easily do it by having toll nakas and levy charge on cotton that is passing. But to consult municipalities on this particular point and trying to supersede the jurisdiction of the local board is a thing which is not fair if the object of the bill is to protect the interests of the growers. Another thing which I wish to point out is that the original clause says that Government may upon a representation made by the district local board, etc., etc. Now, the amendment proposed wants to carry out a different meaning altogether, different from what the select committee has passed. It wants to carry an amendment which says "Government may, after consulting the district local boards" and so on. It is very good to say that Government will consult ; nothing like consultation if that will bring about a good result. But suppose there is an occasion that Government refer the matter to a district local board, and the district local board point-blank say "We do not want a market." Are the Government bound to accept the views of the district local board ? No. Consultation may mean that they are informed by Government "We

[Dr. M. K. Dixit]

are going to open a market, we think a market might be opened, and we hope the district local board will carry it out." Suppose the district local board unanimously pass a resolution that they should not do it, do you think Government are bound to accept the view of the local board, if the amendment of the Honourable Minister is carried? Of course, if the Honourable Minister is prepared to accept the addition of the words "consent" in place of "consultation," that will be something, and if he wants to choose a better word than consultation, he may select the word "consent." He may have consultation and consent both. I think that would be the appropriate way, if we want to carry out the wishes of the district local boards.

The Honourable the PRESIDENT: The honourable member probably has not quite followed the amendment proposed. What the Honourable Minister proposes is that Government may take the initiative on two conditions, *viz.*, either by consulting the local boards and such other authorities as they deem necessary or upon representation made by the district local boards.

Dr. M. K. DIXIT: I do follow the meaning of exactly what the Honourable Minister wants. What I want to convey is that it is the district local board which is the chief representative of the district cotton growers. Municipalities are to a very limited extent, if any, responsible for the interests of the cotton growers because members of the municipalities do not represent the growers, and if an occasion arises when a municipality says "By all means have in a particular place a cotton market" and the district local board, which are the real representative, say "We do not want it," how are Government going to decide? So, I have been saying that in deciding this particular question whether a cotton market should be opened in a particular place or not, the chief party concerned would be the district local board and not the municipality.

(After recess.)

The Honourable Mr. G. B. PRAIDHAN: Sir, I am afraid that there is some misapprehension in the minds of some of the honourable members. In the first place, it is conceded on all hands that this is a bill which considerably improves the position of the cotton growers. There is no difference of opinion upon that point. All are agreed that the establishment of cotton markets is in the interest of the cotton grower. But some of my honourable friends think that municipalities and local boards will not agree as regards the establishment of particular cotton markets. In the first place, I must say that it is not a question of Government going back upon what they said. The clause, as it was originally drafted, ran thus:—

"The local Government may, after consulting the Divisional Cotton Committee or upon a representation made by them," etc., etc.

This clause consisted of two things, namely, that the initiative could be taken by Government or that there could be a representation either

[Mr. G. B. Pradhan]

by the Divisional Committee or by the district local board. If I understood the different speakers correctly, I mean my honourable friends Rao Bahadur Naik, Moulvi Rafiuddin Ahmad, they seemed to think that the predominating voice should be with the district local board. The amendment as suggested by me would make the clause read as under :—

“ The Local Government may, after consulting the District Local Board and such other Local Authorities as they deem necessary or upon a representation made by the District Local Board,” etc.

This consists of two things. In the first place, in the first part we have made it obligatory upon Government to consult the district local board. The first thing which Government will have to do even if they take the initiative is that they must consult the district local board. Over and above that, the second part provides another safeguard. The second part provides that if the Government takes the initiative in its own hands, not only shall it consult the district local board but it shall consult other local authorities. When this discussion took place, there was a suggestion made when the clause was amended that instead of the word “ may ” the word “ shall ” should be substituted. Several members objected to the substitution of the word “ shall ” because they said that the hands of Government will be forced and they would have to start a market immediately there was a representation by a particular district local board. Now that is a position which they never wanted. So the word “ may ” was retained and therefore even if there is a representation by a district local board, Government may or may not establish a cotton market. It is not obligatory upon Government to establish a market. What the amendment seeks to do is that the initiative should rest with Government, but that Government will consult the district local board. Over and above that, they will consult other local authorities. There are so many safeguards, and so there should be no misapprehension that Government wish to override the wishes of the district local board or that Government wish to force a market where it is not wanted. The only distinction is that if for some reason or other a district local board does not move in the matter and Government think that they should establish a market at any particular place, then the first step they take is that they tell the district local board that they think a cotton market should be established at a particular place and they invite the district local board's opinion. In addition to that, they consult other local authorities, and after that they may or may not establish a cotton market. As I said, when you start from the hypothesis that this bill is an advancement and that it is necessary in the interests of the cotton grower, then the starting of a market will only be to the good of the cotton grower.

Rao Bahadur B. R. NAIK : Suppose a local board says “ yes ” and another local authority says “ no ” ?

The Honourable Mr. G. B. PRADHAN : If Government think that the request of the municipality is a reasonable one and that it wants a



[Mr. G. B. Pradhan]

market, then Government will establish a cotton market within the limits of the municipality only.

Rao Bahadur B. R. NAIK : For whom ?

The Honourable Mr. G. B. PRADHAN : If the honourable member will read the whole bill again, he will find that it is made abundantly clear that just because there is a market a grower of cotton need not bring his cotton to it, he is at liberty to sell it at his place or at his door. That is why an explanation has been added to clause 16. Let me emphasise this point that the bill does not intend that every grower of cotton must bring his produce to the cotton market. If he does come to the market, well and good. I moved this amendment, because I found similar amendments put down by my honourable friends Messrs. Ginwalla, Bhosle, Jog, Rao Bahadur Kambli, Mr. Pataskar, all of which show the trend of non-official opinion. My honourable friend Mr. Noor Mahomed seems to be afraid that this is setting up the municipalities against the district local boards, but I do not know why, in the first place, their interests should be conflicting. There need not be a conflict of interests. The moment you put in the word "may" you leave a sort of discretion to Government, and you pay them the compliment of possessing ordinary common sense, and you pay them the compliment of possessing ordinary discretion. That is why these different safeguards are introduced. You admit that the bill is for the benefit of the growers of cotton, and you admit that the establishment of a market will benefit them. But Government say "Even though it is for the benefit of the grower, yet we shall not establish a market simply because we think so, but we shall consult district local boards, we shall consult the different local authorities, and then we shall come to some conclusion one way or the other." I submit, I do not understand why there should be any opposition to such an amendment.

Question put and carried.

Clause 1 as amended ordered to stand part of the bill.

*Clause 5 The (Market Committee.)*

For every cotton market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these not less than half shall be persons elected by the cotton growers of such area as the local Government may prescribe, one shall be a member nominated by the local Government, one shall be elected by the District Local Board of the area in which the cotton market is situated, one by the municipality, if any, in which the market is situated, and the remainder shall be elected by the traders in the cotton market in such manner as may be prescribed.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I beg to move the following amendment :

In clause 5, line 8 delete the word "half" and insert the words "two-thirds" in its place.

In moving this amendment, I have to bring to the notice of the House that the same amendment was moved in the select committee, but it was not passed owing to the opposition of a narrow majority of one. My intention in bringing forward this amendment is that as the bill is intended to benefit the growers of cotton, and as the representatives of the growers are to be on the market committee, they should be at least

[Mr. R. S. Asavale]

in a majority on the committee. If only half the number is given to the cotton growers, it will not be sufficient to look after their interests. Unless there is a clear majority of the representatives of the cotton growers on the committee, it will not be beneficial to their interests. As I have stated with regard to other amendments, the intention of Government is to protect the interests of the cotton growers, as regards the prices of the cotton, fairer weighments and the prevention of illegal deductions. If the traders and the merchants together with the nominated members are in a majority or in equal numbers on this market committee, the interests specified in the statement of objects and reasons of the bill will not be properly looked after. Therefore, if the intentions of the Government are to be carried out, it can only be done by giving a little more power to the representatives of the growers of cotton. I shall explain why two-thirds of the committee should be of cotton growers. According to the bill, if the committee is to consist of 12 members, half of them, or 6 are to be appointed by cotton growers. But it is not only the poor growers of cotton that will be there ; there will be some who have interests either directly or indirectly with the cotton traders or merchants. There will be big landlords who have large fields of cotton, and they will have their interests at least indirectly with the cotton merchants or traders, and they will have their way to capture the cotton market and settle the prices of cotton, which will not be beneficial to the cotton growers. If really it is the intention of Government to help the poor agriculturists or cotton growers, then there should be a distinct majority of these people on the market committee. Unless that is done, they will never be benefitted and that will be the result if this amendment is not carried and if only half the number is given to the cotton growers. With these few words I hope that the honourable House will support my amendment in the interest of the cotton growers, if they really mean that they are going to do good to the cotton growers and the poor agriculturists.

Question proposed.

Major W. ELLIS JONES : Sir, I rise to oppose the amendment moved by my honourable friend Mr. Asavale. The proposal to increase the representation of growers on the market committee from one-half to two-thirds is not in the best interests of the cotton grower. In fixing the minimum at half of the committee, the Indian Central Cotton Committee had at heart the interests of the trade in general and the gradual education of the cotton grower in marketing conditions in particular. The honourable mover of the amendment seems to forget that the cotton trade consists not only of growers but of buyers and consumers, and unless these interests are adequately represented, it would be impossible for the market to work in the interests of the trade, and the grower will thereby suffer. There are two parties to a market, and in giving the growers 50 per cent. representation on the committee, Government and the select committee had this in mind. The amendment is nothing less than a betrayal of the cotton grower's interests under the guise of helping him.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I regret I have to oppose the amendment moved by my honourable friend on this side. The proposal which he has placed before us for acceptance, if tested by the test of fairness, will perhaps be found wanting and I think this will be admitted even by him after further consideration. What is the constitution of the committee suggested in the bill? It is proposed there that not less than half the members shall be representatives of cotton growers. It is not that they are to be only half but not less than half. They can be more than half. Not only that, but if we analyse the details of the constitution of the committee we will find that there is a distinct and clear majority provided for the interest which my honourable member wants to be represented.

Let us look to the maximum and minimum number of members fixed for the committee. The maximum number of members is 16 and the minimum number is 12. If the committee consists of 12 members then not less than half of this shall be representatives of cotton growers. It may be more but there will thus be at least 6. There will be one representative of the district local board which it has been admitted represents cotton growers. So, we must assume that the man selected by the district local board will also be a supporter of cotton growing interests. It has been said that Government have the interests of the cotton growers at heart in bringing forward this bill and therefore it will be agreed that the Government nominee also will be a supporter of cotton growing interests. (Interruption.) I am coming to the municipalities. Let us have patience. Out of the remaining 4 one will be a representative of the municipality, who, let us assume, will not be a supporter of the cotton growing interests, and 3 will be representatives of the trade interests. If in a committee of 12 eight representatives of the cotton growing interest will not make their voice effective, I do not know what should be done to make their voice effective. Is it suggested that 8 men out of a committee of 12 are not competent to fight for their interests. To me this is surprising, perhaps instructive.

Let us take the maximum of 16. Not less than half, that is, 8 members, will be the representatives of the cotton growers' interests. One Government nominee and one member from the district local board will be additional supporters of the cotton growing interests. Ten members out of a committee of 16 will give these interests a "clear and distinct" majority.

Let us now consider what will be the effect of the suggestion made by the honourable mover of the amendment? He says that not less than two-thirds shall be representatives of the cotton growing interests. This means that out of a committee of 12, 8 at least shall be elected by cotton growers, one will be a Government nominee and one member will be elected by the district local board. That is, out of a committee of 12 there will be at least 10 men who are representatives of the cotton growing interests; and the remaining two only will represent the trade interests. To my friend this may seem fair but to me it seems very unfair. Let us take the maximum number of 16. It is suggested that two-thirds, that is, 11 at last should be elected by the cotton growing interests.

[Mr. Jairamdas Doulatram]

Then there will be one member elected by the district local board and one Government nominee. Thus as suggested by the honourable mover the committee will consist of 16 members of whom 13 will represent the cotton growers and only the remaining 3 will represent the trade interests. I think that a mere statement of these figures ought to convince my honourable friend that his proposal is not at all fair. The Council while framing laws ought to look to the interests of not one section but of all sections of the people. The market committee is also constituted for the purpose of dealing with disputes between the purchaser and the seller and thus it will have to go into many intricate and delicate questions. I think it will be recognised that in a committee of this type, we ought not to overbalance the interests of one party to the detriment of the interests of the other party. The drafters of the bill have provided that not less than half should be representatives of the cotton growers in order to make allowance for the absenteeism of such members, and yet give them a majority. I think the proportion given here in the original section is quite adequate to protect the interests of the growers of cotton.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I support the amendment moved by my honourable friend Mr. Asavale. In opposing this amendment the honourable member Mr. Jairamdas brought forward curious arguments. He included the Government nominee as a representative of the cotton grower. By including the Government nominee he made up a figure which will mislead the House. Twelve as the minimum and sixteen as the maximum number of the members of a market committee has been put down in the bill. If we take 12 certainly 6 will be representatives of the cotton growers. (An honourable member : Not less than half.) By including the Government nominee he made the figure as 8. The member elected by the district local board may or may not be a representative of the cotton growers. The honourable member has presumed that he will always be a grower of cotton. In this way the honourable member makes up the figure 8 which is incorrect. He calculates a figure which is exactly the number sought to be obtained by the honourable mover of the amendment. What the honourable member Mr. Asavale wants is that in a committee of 16 there should be 10 representatives of the cotton growers and in a committee of 12 there should be 8 representatives of the cotton growers. Therefore 'two-thirds' must be inserted instead of 'one-half'.

There is another argument in favour of this amendment. In the statement of objects and reasons it was stated that the representation of the cotton growers would be less effective than the representation of the other interests, because representatives of the cotton growers are scattered over a large area. In the case of the representatives of the trade interests they will be on the spot where the market committee is functioning. That is the main reason why greater representation should be given to the cotton growing interests. The representatives of the cotton growers live 10 or 12 miles away from the place where the committee is functioning. They will not be able to make their voice felt so effectively as the other

[Mr. J. C. Swaminarayan]

interests because the latter will be on the spot. There it is desirable that it should be provided that not less than two-thirds of the members of the committee should be the representatives of the cotton growers. As this bill is intended to safeguard the interests of the cotton growers the majority required by the honourable mover of this amendment should be provided in the bill.

Mr. M. G. BHOSLE (West Khandesh District) (Addressed the House in Marathi) : Sir, I support the amendment moved by the honourable member Mr. Asavale. If it is a fact that this Act is being enacted for the benefit of the agriculturists, then the agriculturists should be given the right to elect two-thirds of the members of the market committee. If this is objected to, I must say that it is merely a sham to say that this Act is for the benefit of the agriculturists.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I rise to oppose this amendment. There is already a provision in the bill that not less than half the members of the market committee shall be representatives of growers of cotton. If markets are established, I think there ought to be other representatives also on the market committee. Not only the interests of the growers but also the interests of the dealers have to be taken into account. The provision made, *viz.*, that not less than half should be cotton growers, should be enough.

Mr. R. S. ASVALE (Bombay City, North) : Sir, I need not say much in reply, because the supporters of this amendment, especially the honourable member Mr. Swaminarayan, have clearly pointed out why more representation should be given to the cotton growers. The cotton growers do not reside near the place of the market, they will have to come long distances from their villages to the market. When they themselves are engaged in growing the cotton in their own fields, it will be very difficult for them to travel the long distance and attend the meetings of the market committee. Therefore, the other members of the committee including the dealers or merchants who will be residing near the market place will always be able to attend every meeting and thus carry their day in the committee meetings. If this amendment is not carried, the very object of the bill, namely, the safeguarding of the interests of the growers of cotton will be frustrated, and the bill will not be to the benefit of the agriculturists at all. I would request the House to bear in mind that only two members of this House, the honourable member Mr. Jairamdas and the honourable member Mr. Pataskar, have been supporting such amendments as are against the interest of the cotton growers. They are opposing this amendment also with the same intention and object. They must have, I believe, some interest in the cotton business. There is no other member opposing the amendment except these two members, who have got their own interests at heart.

Rao Bahadur B. R. NAIK : Is Mr. Jairamdas a big cotton merchant ?

Mr. JAIRAMDAS DOULATRAM : Sir, I am not a cotton merchant. Somebody is pulling the honourable member's leg.

Mr. R. S. ASAVALE : He may not have been a merchant himself but he must have some indirect interest. If adequate representation is not given to the cotton growers, the other members of the committee not either brokers or who are buyers themselves but have indirect interest with the buyers may get the better advantage over the growers of cotton, and the agriculturists will not get the real price for their cotton ; thus, the object of Government, namely, to benefit the agriculturists, will be frustrated. I would therefore request the House to support the amendment if they have really the interests of the agriculturists at heart.

The Honourable Mr. G. B. PRADHAN : Sir, I think after discussing this clause in the select committee we met the wishes of the honourable member Mr. Asavale and others. When this question was being discussed there was no definition of "grower of cotton," and I myself suggested that a person who really deals in cotton or who is a broker, may buy a piece of land and grow some cotton and thereby say that he is also a grower of cotton and encroach on the seats that are given to the cotton growers. With a view to prevent that, the new definition was inserted. I will be corroborated in this by the honourable member Mr. Asavale himself. Then, over and above that, the Sind members proposed that one seat should be given to the district local board instead of to the "local authority" and that has been agreed to, so that that will add another seat to the cotton growers. Another member was given to the municipality, but I admit that member may not be a cotton grower. When a seat was given to the district local board, it was done on the express understanding that it will be an addition to the representation of the cotton growers.

Now, I will read clause 7 :

"Subject to any rules made by the local Government under the last preceding section and with the previous sanction of the Commissioner, the market committee may, in respect of the cotton market under its management, make by-laws for the regulation of the business and the conditions of trading in such market,....."

That means that the market committee will make by-laws regulating the conditions of trade in the market. Therefore, it was thought that there should be at least two or three members of the other interests who deal in cotton. Out of 12 persons, 6 persons must be representatives of cotton growers. Sub-clause 2 (i) of clause 6 provides that the local Government may make rules for "the election and nomination of members of the market committee, the number of members to be elected by each of the bodies or groups of individuals referred to in section 5, and the manner of election," etc. But the rules so made shall not be inconsistent with the Act. The rules made under clause 6 cannot be inconsistent with clause 7 which makes it obligatory that so many persons shall be elected by the cotton growers. If you take 12 to be the number of members, 6 will be elected by the cotton growers, 1 will go to the district local board, 1 to the municipality, and 1 for nomination, and there will be only 3 for the other interests. If there are 16 members, 8 will go to cotton growers, 1 to the district local board, 1 to the municipality, 1 for nomination, and there will remain 5 for the other interests. I submit that it will be unfair to the other interests to increase the number of seats given to the growers of cotton. Those interests will always be in a minority.

[Mr. G. B. Pradhan]

We have altered the definition so as to prevent dealers in cotton coming forward as growers of cotton ; we have given one seat to the district local board. In order to see that proper by-laws are made regulating the conditions of trade, the representation given to the other interests must be there. All this was explained in the select committee.

Question put and lost.

The Honourable Mr. G. B. PRADHAN : Sir, I move :

In clause 5, for the words "cotton growers" substitute the words "growers of cotton."

This is a formal amendment. In clause 3 we have defined "a grower of cotton." It is to make this clause consistent with clause 3, that this amendment is brought forward.

Question put and carried.

The Honourable Mr. G. B. PRADHAN : Sir, I move :

In clause 5, for the word "area" where it occurs for the second time substitute the word "district."

I submit that this is also a formal amendment. We have now inserted the words "district local board" in clause 5. The district local boards are of the districts. So, instead of the word "area" we should have the word "district." This is to make the language of the section consistent.

Question put and carried.

The Honourable Mr. G. B. PRADHAN : My third amendment is :

In clause 5, after the words "if any" insert the words "of the area."

As I stated this is also a formal amendment.

Question put and carried.

Clause 5 (*The Market Committee*) as amended ordered to stand part of the bill.

Clause 6 (*Rules*).

(1) The local Government may, either generally, or specially for any cotton market or group of such cotton markets, make rules consistent with this Act for the purpose of the management and regulation of such cotton markets under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(i) the election and nomination of members of the market committee, the number of members to be elected by each of the bodies or groups of individuals referred to in section 5, and the manner of election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such election and the term of office of such members ;

(ii) the powers to be exercised by the cotton market committee ;

(iii) the election of the chairman of such committee and his term of office ;

(iv) the filling of casual vacancies in the offices of members or in the office of chairman of the market committee ;

(v) the management of the cotton market and the prescribing of fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees ;

(vi) the issue by the market committee of licenses to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the cotton market, the form in which, and the conditions under which, such licenses shall be issued, and the fees to be charged for such licenses ;

(vii) the place or places at which cotton shall be weighed or measured, and the kind and description of the scales, weights and measures to be used at such place or places

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(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the cotton market ;

(ix) the trade allowances which may be made or received by any person in any transaction in a cotton market ;

(x) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates ;

(xi) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published ;

(xii) the preparation of an annual budget and its submission for sanction, and the reports and returns which shall be furnished by the market committee ;

(xiii) the disposal of any surplus funds of the market committee ;

(xiv) generally for the guidance of the market committee.

(3) Any such rules may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall on conviction by a magistrate be punishable with fine which may extend to five hundred rupees.

(4) All rules made under this section shall be subject to previous publication and shall, when made, be laid on the table of the Bombay Legislative Council.

Mr. M. G. BHOSLE (West Khandesh District) : (Addressed the House in Marathi) : Sir, I move that :

In clause 6 (4) for the words " shall, when made, be laid on the table " substitute the word " approval."

Clause 6 (4) as drafted enacts that the rules made by Government should be published and kept on the table of the Council only. But this is not right. Such rules are many times harmful to the public. Therefore it is but right and proper that such rules should be placed before the Council for its sanction. And that is what my amendment aims at. As this is an amendment which aims at adding to our rights as elected members, I hope none of my honourable colleagues will object to it.

Mr. BALAK RAM : Sir, I beg to suggest that the amendment moved by the honourable member Mr. Bhosle and the amendment to be moved by the honourable member Rao Bahadur Kale are both out of order. We have received a ruling from the Government of India—a ruling which the local Government have accepted— that a provision making the framing of rules subject to the approval of the Legislative Council and subject to the revision of the Legislative Council is *ultra vires* of the Legislative Council. It is true that such power has been given to the Council in some cases, but the legal position is more than doubtful, and I would therefore suggest that these amendments should be ruled out.

Rao Bahadur R. R. KALE (Satara District) : May I say a word, Sir, because it concerns me also ? The question is when an Act such as the one we are discussing is being enacted a rule made in pursuance of a section which gives power to the local Government to make rules becomes part of the law. It is not like a bye-law. It is not as if the power is given to the executive Government to carry out the provisions of this Act and we are interfering or seeking to interfere with that power. Simply because it is not possible to anticipate at that stage what further requirements will be necessary, the section provides that the local Government may make rules not inconsistent with the provisions of the Act.



[Rao Bahadur R. R. Kale]

It has been interpreted by the High Court in cases which have gone up to them that the rules made under the rule making powers of Government, mean laws and therefore they have the force of law. I submit that it is perfectly within the competence of the Legislative Council to alter, modify or amend any particular rule, because, after all, it has to possess the force of law and I do not see how it can be said that it will be *ultra vires* of the legislature. It is the legislature which has to make laws and if the rules which are to have the effect of laws cannot be made, modified or cancelled by the legislature then who is to do it? I submit that it is within the competence of the legislature to do it. I am unable to appreciate the soundness of the reasoning given by the Remembrancer of Legal Affairs or for the matter of that the legal advisers of Government. It is a question of principle, because, you find that in several enactments the power of making rules is given to local Governments. Unless the Legislative Council is to be deprived of its power I do not think the Government of India in a matter of this kind has any authority to say that it is *ultra vires*. I do not know how the Government of India can consider this as *ultra vires* especially as this is a local Act. I understood the honourable member, the Remembrancer of Legal Affairs, to say that it is the function of the executive Government to make rules and this Council will be interfering with the functions of the executive powers or the executive Government. I do not think, Sir, that this rule making is the function of the executive part of Government. The rule as it stands reads :

“All rules made under this section shall be subject to previous publication and shall, when made, be laid on the table of the Bombay Legislative Council.”

For what? For information or what? I do not understand. What is the meaning of this sentence here at all? Why should it be laid on the table of the Bombay Legislative Council? If the Bombay Legislative Council has no power whatever to make any amendment, then it is no use. The very meaning of this expression is that there should be that power. I am trying to supplement what is meant by the expression “they are to be laid on the table.” My amendment, of course, is slightly different. It runs :

“For one month previous to the next session thereof and shall be liable to be rescinded or modified by a Resolution of the said Council tabled at the next session.”

I therefore submit that it is really a function of the Legislative Council and it cannot be decided by a statement from the Government of India that it is *ultra vires* of the executive. That is what I understand.

The Honourable the PRESIDENT: I understand that there is a point of order raised and, therefore, I do not want any lengthy discussion on it. The honourable member Rao Bahadur Kale has spoken on that.

Mr. A. D. SHETH: On a point of information, I would like to know whether the Government of India has stated the particular section of the Government of India Act by which they have taken away this power

[Mr. A. D. Sheth]

of rule approving by this Council. I believe the Government of India in its executive department has no power to give a ruling to this Council.

The Honourable the PRESIDENT: I asked for the papers and the honourable member the Legal Remembrancer has shown them to me, and I find that the situation created is important. I would feel quite as jealous as the honourable House regarding its powers. But I find that the way in which the Government of India look at it, which the honourable member the Legal Remembrancer, I feel, did not make quite clear, is this, that supposing if this amendment proposed by the honourable member Rao Bahadur Kale, which is more explicit than the one before, is passed and accepted by this House, it would mean this that the rules be kept before the House for one month, and be liable to be rescinded by a resolution of the House. The honourable House knows that the method is a resolution, and according to rule 24—and the honourable members may refer to it—a resolution is merely a recommendation. Then, it becomes inconsistent with rule 24. That is to say, the method this House has is that of a resolution proposing to rescind, etc., certain portions of the rules made; and that resolution, according to rule 24 would be merely a recommendation, while the rules would be statutory under the amendment proposed, and that is inconsistent according to the Government of India. Now, I should like to hear what the Honourable Minister has to say.

The Honourable Mr. G. B. PRADHAN: Sir, the position which the Government of India probably take is this. Now, this is an Act which relates to commerce or commercial transactions. Now, as relating to commerce or commercial transactions, the commercial law is a central subject. If you will see section 80-A, sub-section (3), clause (c), it says:

“The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law regulating any central subject.”

So, commercial law is a central subject. So, this bill in so far as it relates to a commercial subject, becomes a central subject. So, this matter was referred to the Government of India for their sanction as we wanted to pass a law regulating a central subject, and in the preamble of the bill you will find we say “And whereas the previous sanction of the Governor General required by section 80-A of the Government of India Act has been obtained.” So, whatever ruling they give,—whether correct or not,—we have to abide by it. (Mr. B. G. Pahalajani: Oh, no.) A certain draft was submitted to them. Now, they argue, under clause 6 the rules are to be made by the local Government; if the Legislative Council chooses to make any change in those rules that can only be by a resolution. A resolution is a recommendatory thing. So they say by the draft which we have passed we have given the power of making rules to the local Government. If the power is given to the Legislative Council, they can make their choice by giving a resolution. That is merely a recommendatory thing. Transfer this power of making rules to the Legislative Council, and that power is *ultra vires*. If I say I am unwilling to take away this power from the Council, they being the sanctioning

[Mr. G. B. Pradhan]

authority as regards a central subject, namely, a commercial subject, they say their sanction is given only for a particular thing. Even when the amendments were being made by the select committee, for every special amendment we had to see whether it required the sanction of the Governor General because it is a central subject, and we thought it wise to submit all the amendments made by the select committee to the Governor General. So, under section 80-A it is clear that for a central subject the sanction of the Governor General must be taken, and that sanctioning authority says: "If you in clause 6 make an insertion by which the power of amending rules is given to a local body (Local legislature?), we say it is *ultra vires*."

Mr. B. G. PAHALAJANI (Western Sind): Sir, there are three or four very important points involved herein affecting the privileges of the House, and after I give my reasons I am afraid the Honourable the President may have to consider the question at considerable length because this question has been discussed once before on the floor of this House.

The first thing I most strongly protest against is that the honourable member, the Legal Remembrancer, had no right to place the opinion of any executive Government in raising a point of order. It is the Chair which has to give the ruling without any influence of any executive Government to prejudice the House or the Chair.

The second point is that the Honourable Minister raised the question of the sanction of the Governor General under section 80A of the Government of India Act. The preamble of this bill says that this sanction has been obtained and that this bill has been brought forward with the sanction of the Government of India. In raising the point of order, the honourable member, the Legal Remembrancer, did not raise the question of sanction and he did not say that the necessary sanction has not been given. He is raising as a member a point of order for the Chair to decide, whether this provision is *ultra vires* or not. That is the question for the Chair alone to decide and this House has a right to demand that the Chair alone untrammelled by any executive Government orders shall decide it because this House is bound by no other ruling than that of the Chair.

So far as the question of a resolution is concerned, when the Honourable the Minister was a non-official member of this House, it was discussed when Sir Maurice Hayward was the Leader of the House. At the time of the Children Protection Bill, the same section was inserted, and I think I was the person who raised the question that if these rules have to be made law, how are they going to be moved and that a resolution is recommendatory. Sir Maurice Hayward then himself proposed a new Standing Order to remedy the situation to give this resolution finality. You find Chapter VIII-A—Statutory Motions—introduced on 20th April 1926. It reads:

"A member who wishes to move a resolution which he is entitled to move in pursuance of any statute or legislative enactment for the time being in force shall give ten clear days' notice unless it is otherwise expressly provided by such statute or legislative enactment," etc., etc.

[Mr. B. G. Pahalajani]

So that all such rules can be brought before the Council not by a resolution but by a statutory motion. Special provision is made for the procedure. So that while a resolution is a recommendation, a motion under Chapter VIII-A has the legal effect of recommending a particular rule which has the force of law.

Then the Legal Remembrancer raised a question—I think he may have seen it himself—about the approval of the House. I say there is no word—I will go even so far as to say that the question was raised by Sir Maurice Hayward when Leader of the House at the time of the Children Protection Bill, whether this House could interfere with the executive power of Government. Then the distinction made was this, that the rules made are law, but they are required to be placed on the Council table and that the rules are liable to be rescinded by a motion and that if no motion is brought, they become law automatically, not with the approval of the House. The House has the power of rescinding any particular rule by a special motion brought under Chapter VIII-A. The rules are law unless and until they are set aside by this House on a special motion. The rules become law automatically without any further deliberation unless the House actually takes hold of any particular rule, and unless a private member brings a motion under the Standing Order under Chapter VIII-A asking the House to rescind them. Therefore, I say that the approval of the House is not the question.

Then in the case of Mr. Surve's Bill to amend the Police Act of 1890, and again in the case of the Co-operative Bill and in the case of the Municipal Bill of 1925, the Standing Order under Chapter VIII-A was made use of, and it was laid down that the rules shall be placed on the table and shall be liable to be rescinded by a motion brought in the House. The Chair alone has the power to decide and not any executive Government. I submit that there is a provision made, that the question has been discussed on the floor of this House, Sir Maurice Hayward went into the question on our request and he introduced the Standing Order Chapter VIII-A, and I respectfully submit that this House is fully seized of the clause and there is no question of sanction of the Government of India. We have thrice got the ruling of the Chair, and there is no question now that this House is fully seized of the clause.

The Honourable Sir CHUNILAL MEHTA : Sir, I do not wish to enter into the merits of the question that has arisen, as I think the question has been sufficiently discussed by several members who have already spoken. We are, as explained by the Legal Remembrancer, working under certain conditions imposed by the Government of India. They have taken a certain view of the matter and he has explained to you what the situation is. I suggest that if it will suit your convenience you will hold this matter over till to-morrow, not give your ruling at once, and in the meantime proceed with other amendments. The Legal Remembrancer will examine the question more carefully in view of the discussion and will perhaps be able to discuss the matter both with the Secretary of the House and with yourself. That may perhaps assist in coming to an understanding which both sides of the House may accept. I do not for a moment wish to

[Sir Chunilal Mehta]

suggest that you are not in a position to give a ruling at once. I am certain that you could give a ruling at once and that you do not want the assistance of any member of the House, but I am just suggesting that there may be a little more time for consideration of this question if you are prepared to postpone it till to-morrow.

The Honourable the PRESIDENT : I have listened I think to a debate upon the point of order raised, at considerable length, and I think all sides of the question have been fairly and fully dealt with. There is no doubt in my mind that it is an important matter affecting the rights and privileges of this House. I have before me the instances of the three Acts the honourable member Mr. Pahalajani has mentioned. I myself was going to quote them now. When the honourable member, the Legal Remembrancer, raised the point of order, I made it a point particularly to see as to what was there on which he relied, because neither the House nor myself was in possession of anything that could be taken as an authority. I have just seen a telegram bearing on that particular point of view which I have explained to the House : but I do not know whether section 80-A need have been brought in or referred to at all : because the simple point is whether a resolution passed by this House rescinding certain rules made under an Act would be a resolution in the ordinary sense of the word "resolution" under Rule 24 and therefore a recommendation or not. If it were a recommendation, the Government of India would be perfectly right in holding that the situation would be inconsistent. But as the honourable member Mr. Pahalajani has pointed out, under one special Standing Order VIII-A which has a history bearing on this very point, it is a resolution in the form of "a statutory motion," and not a resolution under Rule 24.

Now, the point is clear to me, and I am perfectly ready, irrespective of the opinion conveyed to the Government of Bombay by the Government of India, and with due deference to it, to agree to every word that has been said from this side of the House. But there is one matter which I think I should mention in the interests of the whole House and it is this : Supposing this amendment is accepted and is inserted in the bill, and ultimately when the Act is sent for the assent of the Government of India, and that is not given, the House will have to abide by the result. One might therefore pause for a moment before asserting. If this bill is one which is dear to the people and to the agriculturists, then it would really be to the interest of the House to see that it sails through quite safely till the end. I do not mind waiting, after having made this statement on the views of the non-official side, till to-morrow to see the Legal Remembrancer or the Secretary, as the Honourable the Leader of the House has suggested, to hear from them as to what they have to say with regard to the negotiations the Bombay Government has had with the Government of India in this behalf. I can then give my final ruling.

The amendment and the consideration of the last portion of clause 6 will stand over till to-morrow.

Clause 7 (*By-laws*) ordered to stand part of the bill.

*Clause 8 (Sub-committees and joint committees and delegation of powers ordered to stand part of the bill.*

*Clause 9 (Appointments and salaries of servants of the market committee).*

(1) The market Committee may employ such officers and servants as may be necessary for the management of the cotton market and may pay such officers and servants such salaries as the committee thinks fit. The committee may, in the case of any officer or servant of Government which it employs, pay such pension contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised subject to any rules which may be made in this behalf by the local Government.

Mr. M. G. BHOSLE (West Khandesh District) : Sir, I beg to move the following amendment :

In clause 9 (3) at the end of it add " with the approval of the Bombay Legislative Council. "

The Honourable the PRESIDENT : This amendment might stand over till to-morrow, as the same matter is before the House in connection with clause 6.

Mr. B. G. PAHALAJANI : In connection with the proposal to postpone the consideration of this matter till to-morrow, I would mention one fact. It was very good of the Chair to have proposed what it did, but one thing is certain that these questions of law or what the result of passing the amendment will be are entirely beyond the function of the Chair.

The Honourable the PRESIDENT : Order, order. The step that I have taken need not frighten the House at all. I would take the remarks just made by the honourable member as personal. What I have suggested is only in the best interests of the House. It does not matter if I am left with the Legal Remembrancer or the Secretary to Government, but I can safely return to the House to-morrow.

Mr. B. G. PAHALAJANI : I had not the slightest intention of being personal.

*Clause 10 (Contracts how executed) ordered to stand part of the bill.*

*Clause 11 (The market committee fund) :*

All monies received by a market committee shall be paid into a fund to be called the " Market Committee Fund " and all expenditure made by the market committee under or for the purposes of this Act shall be defrayed out of the said fund : any surplus remaining after such expenditure has been met shall be expended as may be prescribed in the rules made in this behalf.

The Honourable Mr. G. B. PRADHAN : Sir, I beg to move the following amendment :

For the word " made " in line 6 substitute the word " incurred. "

Question put and carried.

The Honourable Mr. G. B. PRADHAN : The next amendment which I wish to move is as follows :

For the colon occurring after the words " said fund " substitute a semi-colon and insert the word " and " after the semi-colon.

Mr. JAIRAMDAS DOULATRAM : On a point of order, as these are not amendments of substance, is it necessary to move them now ?

The Honourable the PRESIDENT : I think the honourable member is right. These could wait till the third reading.

The Honourable Mr. G. B. PRADHAN : I have to add the word "and," and I cannot do it unless I change the punctuation.

Question put and carried.

The Honourable Mr. G. B. PRADHAN : The next amendment which I wish to move is :

For the word "expended" substitute the word "invested"

Question put and carried.

Clause 11, as amended, ordered to stand part of the bill.

Clause 12 (*Purposes for which the market committee fund may be expended*) :

Subject to the provisions of section 11 all fees collected by the market committee under this Act or the rules made thereunder shall be expended for the following purposes only :

- (i) the maintenance and improvement of the cotton market ;
- (ii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it ;
- (iii) the pay, pensions, leave allowances and pensions or provident fund contributions of the officers and servants employed by the market committee ; and
- (iv) the expenses of and incidental to elections.

The Honourable Mr. G. B. PRADHAN : Sir, the amendment which I wish to move is :-

In clause 12, for the words "fees collected by the market committee under this Act or the rules made thereunder" the words "the market committee fund" shall be substituted.

The wording used in clause 11 is "the market committee fund," and the same wording should be adopted in this clause also. The "market committee fund" is a more comprehensive term.

Question put and carried.

The Honourable Mr. G. B. PRADHAN : Sir, the next amendment which I wish to move is :-

In sub-clause (iii) of clause 12, after the word "allowances" insert the word "gratuities."

Question put and carried.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I beg to move the following amendment :

Delete sub-clause (iv) of clause 12, and add clause 12-A as follows : -

"12-A. The expenses of and incidental to election be borne by Government."

My object in moving this amendment is that the expenses of election should be borne by Government. In the case of almost all the elections that take place in the Presidency the expenses are borne by Government or the authorities concerned, and I do not see any reason why only in this case the expenses should be charged to the market committee fund. After passing so many clauses of the bill, we know that Government have got full power for selecting a place for a market and for appointing the representatives of some of the interests concerned ; so Government have got every concern with the market, and it is essential that the small portion of money that has to be spent on elections should be spent by

[Mr. R. S. Asavale]

Government themselves. When the power is with the Government, I do not see why the burden should be on the public. When the power is vested in Government the burden of expenditure should not be laid on the public. The election will have to be supervised by Government. If the expenditure is to be borne by the cotton market committee Government will have no check over them and the real object of Government will be frustrated. At least for this purpose in order to exercise a check, this expenditure should be borne by Government. After all the expenditure will not be much. We know how many electors will be on the roll. They will be very few and there will not be any change for many years in the electoral rolls. Even after fifteen years there will not be much change in the ownership of agriculturists who grow cotton. I assume that the election will not take place every year or every three years. There will be very little expenditure and at least this much must be borne by Government as the three-fourths revenue of the district is recovered from the agriculturists.

The Honourable the PRESIDENT : There are two amendments which the honourable member has moved. It is quite natural but I wish to put for the present the first one, which is :

“ In section 12 delete clause (ir) the expenses of and incidental to elections.”

Mr. BALAK RAM : Sir, I take it that the two amendments moved by the honourable member Mr. Asavale go together really speaking.

The Honourable the PRESIDENT : I have put only the first amendment.

Mr. BALAK RAM : I think logically they go together. I wish to point out that the new section 12-A which the honourable member wishes to introduce is not in order, as I believe he has not got the sanction of the Governor under section 80-C of the Government of India Act. It is not open to this Council to proceed with this matter. If this is carried a special provision will have to be made.....

Rao Bahadur R. R. KALE : I think sub-clause (iv) was added by the select committee.

The Honourable the PRESIDENT : Quite so.

The Honourable Mr. G. B. PRADHAN : I have nothing to add except the point of order raised by the honourable member Mr. Balak Ram.

The Honourable the PRESIDENT : The first amendment is before the House.

Rao Bahadur B. R. NAIK (Surat District) : Sir, this point was discussed in the select committee and it is known to the honourable mover of this bill. The question was raised where the funds should come from when the market is constituted for the first time. It was decided that the Government should incur the expenditure for the first time. But here I may point out that for several years the market committee will not have sufficient funds for expenditure. The expenditure on council elections is borne by Government and that on district local board election is also borne by Government. I fail to see any reason why this small



[Rao Bahadur B. R. Naik]

expenditure also should not be borne by Government. It is Government that should carry out the provisions of this Act and who have consequently to hold the elections and it is but fair that they should incur this expenditure. It will not be very much. It may be argued that Government have not got any direct interest in the matter. But in course of time as the market improves and the cotton growers and the traders take advantage and if they be benefited and become prosperous, Government when they revise the assessment will likely benefit thereby.

The Honourable Mr. G. B. PRADHAN: Sir, if you please refer to clause 6 (2) (i) it is stated there :

(i) the election and nomination of members of the market committee, the number of members to be elected by each of the bodies or groups of individuals referred to in section 5, and the manner of election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such election and the term of office of such members ;

The rule is to be framed in which it will be incorporated as to what expenses should be incurred. As regards the difficulty pointed out by the previous speaker that so long as there is no committee in existence, there will be no funds for it. Appreciating that, a rule will have to be framed according to clause 6 (2) (i). But this section has been added at the suggestion of a non-official member. In the case of municipal elections the expenses are paid out of municipal funds. So long as the municipality was not in existence the first municipality when it was first constituted the election expenses must have been paid by Government. So also when a cotton committee is constituted for the first time there will be a rule that Government will bear the expenses. Suppose there is a market fund which is going to be utilized for building godowns, etc., then if a few rupees are spent out of this fund for elections that will be nothing. That election may not come once in 3 or 4 years. If a provision is made that expenses incidental to elections may also be a charge on the committee there is nothing wrong in it. Not necessarily this should be a charge. There are different items (a), (b), (c), (d) which are to be expended out of this market fund ; and one of the items is this. In the beginning the expenditure will be borne by Government. It is provided that the market fund 'shall be expended for the following purposes.' There are different items mentioned and one of them is this : 'expenses incidental to elections.' That does not mean the expenditure will be incurred on all those items. Under clause 6 provision has been made to make rule for meeting the expenditure for the first time when a market is constituted.

Mr. R. S. ASVALE (Bombay City, North): Mr. President, the Honourable Minister has accepted the principle that when first a market committee is to be started the expenses will have to be borne by Government. What I wish to press is that the attention of the honourable Minister may be drawn to the fact that this expenditure should not be borne by Government only once but until sufficient funds are collected by the market committee. Government will have to supervise the work of election of the representatives of the growers of cotton. Otherwise

[Mr. R. S. Asavale]

there will be much difficulty for their genuine election. When Government are going to appoint a nominee of their own on the committee, why should the committee be made to incur the expense? There will be representatives of the merchants also but none of them will pay a single farthing to the committee. The whole burden therefore will only fall on the growers of cotton. If the merchants pay for the expenses the election will be in their own hands. If Government really want to do good to the agriculturists they should take the power of conducting these elections themselves, as they have taken other powers under clause 4. The elections of the members to these market committees should be conducted by Government and Government should bear the expenses of these elections.

Question put : House divided : Ayes 11 : Noes 29.

Amendment lost.

Division No. 1.

#### Ayes

ASAVALE, Mr. R. S.  
BHOSLE, Mr. M. C.  
JADHAV, Mr. B. V.  
JAIRAMDAS DOULATRAM, Mr.  
LALJI NARANJI, Mr.  
MUKADAM, Mr. W. S.

NAIK, Rao Bahadur B. R.  
NAVLE, Mr. N. E.  
PAHALAJANI, Mr. B. G.  
SWAMINARAYAN, Mr. J. C.  
VANDEKAR, Rao Saheb R. V.

*Tellers for the Ayes :* Mr. R. S. ASAVALE AND Mr. N. E. NAVLE

#### Noes

AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
BALAK RAM, Mr.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D  
DOW, Mr. H.  
FREKE, Mr. C. G  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
HARRISON, Mr. R. T.  
HATCH, Mr. G. W.  
JERHANOIR, the Honourable Sir COWASJI  
JONES, Major W. ELLIS  
KALE, Rao Bahadur R. R.

LALLJEE, Mr. HOOSSEINBHAY ABDULLA-  
BHAY.  
MARTIN, Mr. J. R.  
MARZBAN, Mr. P. J.  
MEHTA, the Honourable Sir CHUNILAI  
MONTEATH, Mr. J.  
OLIVEIRA, Mr. F.  
PRADHAN, the Honourable Mr. G. B.  
RIEU, the Honourable Mr. J. L.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
TURNER, Mr. C. W. A.  
WEBB, Mr. M.  
WILES, Mr. G.

*Tellers for the Noes :* Mr. H. DOW AND Mr. C. G. FREKE

The Honourable the PRESIDENT : The next amendment has been moved by the honourable member and upon that the honourable the Remembrancer of Legal Affairs has raised a point of order which I need not repeat. I am sure that it means some burden on the provincial revenues and, therefore, under section 80-C sanction is necessary. There was only one thing which was incidentally mentioned by the Honourable Minister and that is when the rules were made in clause 6 he expected that some burden would be thrown on Government and that might put the House in some hope, though I do not know why and how. The House has felt, I believe, that some burden is intended to be put on Government which may probably be sanctioned. But this amendment

[The President]

throws the whole burden on to Government and at any rate under 80-C it is out of order.

*Clause 12 (Purposes for which the market committee fund may be expended)* as amended ordered to stand part of the bill.

*Clause 13 (No trade allowance not recognised by custom or rules allowable)* ordered to stand part of the bill.

The Honourable Mr. G. B. PRADHAN : Sir, I move that after clause 13, the following clause shall be inserted, namely :

“13A. Every market committee shall be a body corporate by the name of ‘The Market Committee of.....’ and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act.”

This is taken from the Village Panchayats Act and as the markets will possess moveable and immovable property, this clause is absolutely necessary.

Mr. L. M. DESHPANDE (Satara District) : I rise to a point of order. I want to know whether the sanction of the Governor General was obtained for the insertion of this clause. When the bill was sent to the Governor General this clause was not there and is not sanction necessary for it ? It is a new clause.

The Honourable the PRESIDENT : This clause is inserted within the scope of the sanction given.

Question that new clause 13-A be inserted after clause 13 put and carried.

*Clause 13-A (Market Committee to be a body corporate)* ordered to be inserted after clause 13.

*Clause 14 (Power to borrow)* ordered to stand part of the bill.

*Clause 15 (Supersession of market committee)* ordered to stand part of the bill.

*Clause 16 (No private market to be opened in or near places declared to be cotton markets).*

Wherever the local Government has by a notification under section 4, declared any place to be a cotton market no person shall, within the area of such cotton market or within a distance thereof to be notified in the *Bombay Government Gazette* in this behalf in each case by the local Government, except with the sanction in writing of the local Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton if he sells his own cotton outside the limits of the cotton market.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I propose that the whole of this clause be deleted and my reasons are that this clause intends to penalise rival private markets within the market area. Doubts were raised at the time of the first reading whether under the provisions of clause 16 it is intended to penalise not only private markets but also private sales and it was interpreted as not in any way affecting private sales. It was proposed that it should be further cleared up

[Mr. H. V. Pataskar]

and with this view an explanation has been added. So far as this explanation is concerned, I think it is worse than the disease. The explanation reads as follows :—

“ A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton if he sells his own cotton outside the limits of the cotton market.”

I think the implication is perfectly clear. If a man sells his own cotton within the market area then the transaction, having regard to this explanation, will be regarded as setting up a separate market. I think the meaning of clause 16 is made clear by the addition of the explanation in such a way as to make it appear that the selling of private cotton in the market area is like establishing a market within that area and it is penalised. I think this is quite against the intention with which the explanation was added, and is also against the principle of the assurance that was given at the time of the first reading of clause 16, and I therefore, as a matter of principle propose that the whole of this clause should be deleted.

Question proposed.

Mr. R. S. ASAVALE : Sir, I oppose the amendment moved by the honourable member Mr. Pataskar and support the original amended clause.

The Honourable the PRESIDENT : I should like to mention to the House that I intend to finish this bill this evening, except those two clauses which stand over.

Mr. R. S. ASAVALE : I have finished ; I have nothing more to add.

The Honourable Mr. G. B. PRADHAN : Sir, I have not been able to follow exactly what is the objection. We say that if there are any private sales, then private sales are not debarred. But a market is a fixed thing with a particular limit. If cotton is brought within this particular limit, then the rules and bye-laws govern. But they do not so govern if it is sold outside the limit ; the object was that members wanted that it should not be obligatory on any grower that his cotton should be brought within the particular limit of the market. We said, all right. They said “ Make it clear in the bill itself.” We said, all right, we will make it clear that it should not be obligatory if the cotton is sold outside the limits of the market. But, if you bring the cotton within a particular limit, then of course the rules and bye-laws govern. That was the anxiety of members at the time amendments were being made, and even at the time of the first reading they said that by the passing of the Bill you will compel everybody to bring his cotton to the market. We said : “ You are at liberty to sell it outside the cotton market limits to anybody you like ; but if you want to bring it within the market, the rules and bye-laws will apply.”

Mr. B. V. JADHAV : May I ask whether a man can sell his cotton outside the cotton market ?

The Honourable Mr. G. B. PRADHAN : Certainly ; yes.

Mr. B. V. JADHAV : My question is whether a trader will be allowed to sell his cotton outside the limits of the cotton market.

The Honourable Mr. G. B. PRADHAN : I will just read the explanation :

" A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton if he sells his own cotton outside the limits of the cotton market. "

The Honourable the PRESIDENT : I would like to be quite clear there. According to the Honourable Minister, the " limits of the market " means the jurisdiction of the market, the area which may be allotted to the market, and not the market precincts. Is that so ?

The Honourable Mr. G. B. PRADHAN : Yes.

Rao Bahadur B. R. NAIK : Suppose a market is situated at a particular village and the village site is included in that market area. What is the villager to do ? There is a particular village where a market is established and the village site is also included in the market area. Now the village people grow also cotton. . . . .

The Honourable the PRESIDENT : They cannot sell it, according to what the Honourable Minister said just now. Has the Honourable Minister finished ?

The Honourable Mr. G. B. PRADHAN : No. I will read clause 16 for the information of the House. It says :

" Wherever the local Government has, by a notification under section 4, declared any place to be a cotton market, no person shall, within the area of such cotton market or within a distance thereof to be notified in the *Bombay Government Gazette* in this behalf, etc. etc. "

So, that distance which we shall define in the *Government Gazette* as beyond the cotton market will not be a cotton market. (Mr. B. V. Jadhav : Will that be about five miles ?) The cotton market will be that place where the cotton is to be sold, and if the honourable members wish to make it more clear, I have no objection if they suggest any more words in the clause. If they make any suggestion, we shall accept it.

Question (amendment to delete clause 16) put and lost.

Rao Bahadur S. T. KAMBLI : I move, Sir, my amendment which runs as follows :

Add a proviso at the end of clause 16 as follows : —

" Provided that towns or cities which have hitherto enjoyed the right or privilege of holding cotton markets within their respective areas shall not be deprived of their right or privilege to continue to hold such markets within their respective limits. "

The reason why I move this amendment is this. The district local boards have been given the power of making a representation to the local Government to have a market established in their area ; and if they succeed in having a new cotton market established just very near to a city or town which has already been holding a cotton market, then the results are likely to be serious. The two markets may come in conflict with each other, and the district local board may move the local Government to remove the old market. So, in order to remove this apprehension, I have moved this amendment, and if the Honourable Minister will give an assurance that the present markets in towns or cities will not be touched

[Rao Bahadur S. T. Kambli]

on account of the rivalry between the district local boards and the municipalities, then I am willing not to press this amendment. This assurance was given to me orally in the select committee, but I thought it better to have it in this open session, and if the Honourable Minister for Agriculture were to give an assurance that the towns or cities which have been holding cotton markets already will not be disturbed, then I am willing to withdraw this amendment. The very same assurance was given to me in the select committee.

Question proposed.

The Honourable Sir GHULAM HUSSAIN : I rise to a point of order, Sir. The principle underlying the bill is to establish new markets, and it gives a right to certain people to have their members elected on the market committees. Now, this amendment is to the effect that the existing cotton committees should have the right of continuing their membership and control on the existing market committees. The principle of the bill is to establish new markets and these new markets will be established at places where Government may like to establish them after consulting the local boards and other authorities. But this bill does not contemplate existing markets. The amendment is therefore outside the scope of the bill, which is to establish new cotton markets with new constitution and new powers.

The Honourable the PRESIDENT : What is the point of order ?

The Honourable Sir GHULAM HUSSAIN : The point of order is very clear. The principle of the bill is to establish new markets and is not concerned with the old markets. It then points out how these new markets should be established.

The next point is the constitution of the committees and the mode of control over these markets. Now, these old markets are entirely different, established on different lines, with different powers of control, and they are therefore entirely outside the scope of the present bill.....

The Honourable the PRESIDENT : What is the point of order ?

The Honourable Sir GHULAM HUSSAIN : The point of order is that the amendment is outside the scope of the existing bill.

The Honourable the PRESIDENT : I suppose the amendment is intended to protect such markets as are well-organised by, say, the co-operative societies. There are sale societies and there are certain markets doing good work in the best interests of the agriculturists. The scope of the bill and the principle of the bill is to protect the best interests of the agriculturists. This amendment does not in any way try to strike at the root of the principle and, therefore, I do not hold it out of order.

Mr. H. J. AMIN : What about forward sales of cotton ?

The Honourable Mr. G. B. PRADHAN : We shall alter the explanation in such a way as to put down limits so that forward sales will not be meddled with at all.

Mr. B. V. JADHAV : I would like to know whether the object of this amendment is to preserve the existence of the present markets or to preserve the present procedure and the existing constitution under which markets are held.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, my object is not to take away the right of Government to impose any restrictions or conditions which may be laid down by the rules to be framed under the Act. The Government is at liberty to say that they do not wish to establish a market at any particular place as they please, just as they have a full power to impose the constitution of a market committee on any market. What I seek to secure by this amendment is that Government should not be able to say that a city which has been holding its cotton market from a long time should not hold such market at all. Certainly my amendment is not against the principle or objects of this bill. The Government can enforce the constitution of the market committee under the Act on any cotton market or they can otherwise regulate any cotton market. I do not object to that at all. My only object is that the right should not be taken away of holding a market in a city where it has been held for a number of years previously though the Government may in proper cases regulate the said market by applying the provisions of this bill.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, supposing this amendment is passed here, would the existing committees or the present cotton markets remain ? If not, has the Deputy President enquired from the present committees of the existing markets whether they are in a position to hand over those markets to the newly appointed committees ? If not, unless the power has been received from the existing committees of the present markets, it will be no use putting in this resolution on the statute book.....

The Honourable the PRESIDENT : At this stage the House seems to be in a mood to get along not so much with the substantial work before it but with many questions. I intended to finish this bill, minus those clauses which I have left over, this evening, because I understand that such time as is saved from Government business days would be added on to private business days. I should like to know from the Honourable the Leader of the House whether any time saved from Government business days would be added on to the time allotted for private business.

The Honourable Sir CHUNILAL MEHTA : His Excellency has already allotted five days for non-official business. I will be glad to submit your suggestion to His Excellency.

The Honourable the PRESIDENT : The House is now adjourned till 2 p.m. to-morrow, Friday, the 30th September 1927.





*Friday, the 30th September 1927*

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The Council re-assembled at the Council Hall, Poona, on Friday, the 30th September 1927, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ASVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BHOSLE, Mr. M. G.  
 BHURGRI, Mr. J. W.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BROWNE, Mr. D. R. H.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DASTUR, Khan Bahadur F. M.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. B. T.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. J. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 DUGUID, Mr. A.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GUNJAL, Mr. N. R.  
 HAMILL, Mr. H.  
 HATCH, Mr. G. W.  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHangIR, the Honourable Sir COWASJI  
 JONES, MAJOR W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHHRO, Mr. M. S.

LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LIGADE, Mr. S. P.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PAWAR, Mr. SADASHIVRAO *alias* KHASERAO JIVAJIRAO  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Swearing in of new members.

Mr. T. A. Andrew then made the prescribed oath of allegiance to His Majesty the King-Emperor, and took his seat in the Council.

The Honourable the PRESIDENT : Questions.

#### LOCAL BODIES PROVIDENT FUND SCHEME

Mr. M. G. BHOSLE (West Khandesh District) : Will Government be pleased to state whether they have recommended to the Presidents

of District Local Boards and Municipalities to frame rules for and to introduce Provident Fund Schemes in lieu of pensions ?

The Honourable Mr. G. B. PRADHAN : No.

#### MARATHI TRAINING SCHOOL FOR KOLABA AND THANA

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether it is a fact that the Marathi Training School for Kolaba and Thana has been removed to Bhiwandi ;

(b) whether it is a fact that the school is located in a Muhammadan locality and in a building owned by a Muhammadan ;

(c) whether there is no more suitable and convenient building ;

(d) whether it is a fact that the place is out of the way and inconvenient to the teachers ;

(e) whether it is a fact that cots are provided in the Urdu schools ;

(f) whether it is a fact that there are no cots in the Marathi school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) Yes. The building is the property of a Muslim religious trust.

(c) No.

(d) No.

(e) and (f) Cots are provided at the Urdu School as there is a stone floor ; cots are not provided except for boys who are ill at the Marathi School as this building possesses a wooden floor which is unaffected by damp.

Mr. S. K. BOLE : Is the place central and convenient for the students of the Kolaba and Thana districts ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The training school cannot be considered to be inconvenient to students from Kolaba and Thana districts.

Mr. S. K. BOLE : Is it not far from the Kolaba district ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is impossible to provide training schools in every district, and consequently this school has been located in the most convenient place.

Rao Saheb R. V. VANDEKAR : Is it convenient to the students of Thana and Kolaba districts ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is a matter of opinion.

#### BOUNDARY MATERIALS

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state whether they are aware that in the Satara District stone boundaries for survey numbers are erected in place of earthen boundaries leaving no means of access from one survey number to another ?

The Honourable Mr. J. L. RIEU : No cases have come to the notice of Government in which the erection of stone boundary marks in place

of earthen ones has blocked the means of access from one survey number to another.

Mr. L. M. DESHPANDE : Have the Government made enquiries in the matter, or was there no complaint from the people ?

The Honourable Mr. J. L. RIEU : They have made enquiries from the Commissioners, who have replied to the above effect.

#### KRISHNA CANAL BAGAYATDARS

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) whether it is a fact that local cess at the rate of one anna a rupee was charged on Bagayatdars on the Krishna Canal on the amount of fine or excess that was imposed on them in 1926 ;

(b) the amount of local cess so collected ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) Rs. 734-6-0.

Mr. L. M. DESHPANDE : Will Government be pleased to refund the amount, as it has been illegally recovered ? No local cess is to be charged to fines ?

The Honourable Sir COWASJI JEHangIR : I will require notice of that question.

Mr. B. V. JADHAV : Is Government waiting for a suit ?

The Honourable the PRESIDENT : Order, order. The next question has been called.

#### KRISHNA CANAL : SUPPLY OF WATER

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased—

(a) to lay on the table a statement for the last five years showing how many days the water in the Krishna Canal was not to be had to the Bagayatdars at Retre Budruk and other villages above that ;

(b) to state what arrangements have been made and precautions taken to supply water to the Bagayatdars at the tail where the applications of water had been admitted ?

The Honourable Sir COWASJI JEHangIR : (a) Two statements showing (1) the names of all the villages above Retre Budruk served by the Krishna Canal with the miles in which they are situated and (2) the number of days for which water was not available during each season for Retre Budruk and other villages above it due to rotation and canal closure are placed on the Council Table. Particulars for the period from 15th February 1924 to 30th June 1924 are not available.

(b) Owing to short supply of water in the river, water was not allowed in the hot season below Mile No. 16 of the Canal ; but by enforcing strict rotation, water was supplied to the Bagayatdars at the tail portion in the Monsoon and Rabi seasons in cases where applications had been admitted.

*Statement showing the names of all villages served by the Krishna Canal above Retre Budruk and the miles in which the villages are situated.*

Serial No.	Name of village served by the Krishna Canal above Retre Budruk	Number of miles in which the village is situated	Remarks
1	Saidapur .. ..	0 to 2/1	
2	Govare .. ..	2/1 to 4/1	
3	Sayapur .. ..	4/1 to 4/5	
4	Temboo .. ..	4/5 to 5/5	
5	Koregaon .. ..	5/5 to 6/6	
6	Karwa .. ..	6/6 to 9	
7	Wadgaon .. ..	9 to 10/3	
8	Kodoli .. ..	This village is maintained on Kodoli distributary in mile No. 9.	
9	Dushare .. ..	10/3 to 10/6	
10	Shere .. ..	10/6 to 12/2	
11	Gondi .. ..	13/2 to 14/3	
12	Retre Budruk .. ..	14/3 to 17/2	

*Statement showing the number of days for which water was not available for Retre Budruk and other villages above that during the last five years due to fixed rotation and canal closure.*

Season	Number of days	Remarks
Hot season for the year 1922 .. ..	18	
Monsoon, 1922 .. ..	50	
Rabi season, 1922-23 .. ..	42	
Hot season, 1923 .. ..	26	
Monsoon, 1923-24 .. ..	48	
Rabi season, 1923-24 .. ..	56	
Hot season, 1924 .. ..	Information is not available.	
Monsoon, 1924-25 .. ..	46	
Rabi season, 1924-25 .. ..	53	
Hot season, 1925-26 .. ..	40	
Monsoon, 15th June 1925 to 14th October 1925 .. ..	52	
Rabi season, 1925-26 .. ..	74	
Hot season 1926-27 .. ..	40	
Monsoon, 15th June 1926 to 14th October 1926 .. ..	52	
Rabi season, 1926-27 .. ..	74	
Hot season, 1927-28 .. ..	40	

Mr. L. M. DESHPANDE : Are Government aware that a number of sugarcane crops had perished owing to want of adequate supply of water, even though the applications were admitted ?

The Honourable Sir COWASJI JEHangIR : I have no information to that effect.

#### KARKUNS, SATARA DISTRICT

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) whether it is a fact that the number of karkuns required for every district was fixed in 1921-22 after taking into consideration the work at every place ;

(b) whether the work in the Satara District has increased or decreased since 1921-22 ;

(c) whether the retrenchment officer has recommended any reduction in the number of karkuns in the Satara District even though the work is increasing ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) It has increased.

(c) No.

Mr. P. R. CHIKODI : Do Government think of increasing the number of clerks, in view of the increase in the amount of work ?

The Honourable Mr. J. L. RIEU : Not at present.

Mr. P. R. CHIKODI : The same number of karkuns are to work, even though there is an increase in the work ?

The Honourable Mr. J. L. RIEU : They will have to do a little more work.

Rao Bahadur R. R. KALE : Does this refer to all the departments in the Satara district, or to any one department ?

The Honourable Mr. J. L. RIEU : It refers to the Revenue Department.

#### TALATIS AND KULKARNIS, SATARA DISTRICT

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) the total amount paid to talatis for their remuneration in the year 1925-26 in the Satara District ;

(b) the total amount paid to the Kulkarnis in the district just in the year prior to the so-called commutation of their watans ;

(c) whether it is a fact that the appointment of a talati to more than one village is troublesome to the villagers and necessarily limits the time of payment of the land revenue by the landholders ?

The Honourable Mr. J. L. RIEU : (a) Rs. 1,38,559-9-0.

(b) Rs. 81,897-1-1.

(c) Government have no such information.

Mr. L. M. DESHPANDE : Will not Government be able to save a sum of Rs. 57,000 annually if the kulkarnis are allowed to work as before ?

The Honourable Mr. J. L. RIEU : That would appear from the figures.

#### BRIDGES ON THE ROAD TO PANDHARPUR

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state the number of bridges built up to now on the road used by the pilgrims who bear the *Palkhi* of Shri Dnyandeo Maharaj from Poona to Pandharpur ?

The Honourable Sir GHULAM HUSAIN HIDAYATALLAH : The statement attached furnishes the necessary information.

*Statement showing the number of bridges built up to now on the Mahad Pandharpur road used by the pilgrims who bear the Palkhi of Shri Dnyandeo Maharaj from Poona to Pandharpur.*

Section of road	Road bridges including canal crossings.	Culverts	Causeways
Lonand to Dharampuri in the Mutha Canals Division.	4	4	21
Dharampuri to Pandharpur in the Mal-siras Division.	2	4	2

The above statement excludes slab-drains, road dams, etc., crossing very small nalas or small road-bridges on distributaries, etc.

#### ELECTORAL ROLLS, LANDHOLDERS' CONSTITUENCIES

Mr. B. V. JADHAV (Satara District): Will Government be pleased to keep in the Secretary's office a copy of the voting lists of—

- (a) the Inamdar and Jahagirdars' constituency in the Deccan, Central and Southern Divisions;
- (b) the Sardars' constituency of Gujarat (Northern Division);
- (c) the Zamindars' constituency in Sind?

The Honourable Mr. J. L. RIEU: (a), (b) and (c) Copies of the electoral rolls (to which, and not to the voting lists properly so called, it is understood that the Honourable Member's question refers) can be obtained on payment from the Returning Officers of each constituency by those interested, and Government do not consider that it would be to the public advantage that copies of them should be placed in the office of the Secretary to the Legislative Council.

#### SCHOLARSHIPS FOR JAINS: SATARA DISTRICT

Mr. B. V. JADHAV (Satara District): Will Government be pleased to state the number of scholarships awarded to Jain students from Satara District in Secondary schools in the years 1925 and 1926 and 1927.

The Honourable Dewan Bahadur HARILAL D. DESAI:  
 In 1925-26—One.  
 In 1926-27—Nil.  
 In 1927-28—Two.

#### CHITNISERS AND HEAD CLERKS: C. D., S. D., AND THANA

Mr. B. V. JADHAV (Satara District): Will Government be pleased to give the names and caste of the Chitnises and Head Clerks of all the Districts in the Central Division and Southern Division and that of Thana?

The Honourable Mr. J. L. RIEU: The Honourable Member is referred to the gradation list of Mamlatdars, published in the Bombay Civil List, for the names of the Head Clerks and Chitnises. Their castes can be ascertained from Part I of the History of Services, Bombay Presidency. Both these works are to be found in the library.

## REFORMS : STATUTORY COMMISSION

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that the Government of India have asked the Bombay Government to prepare materials for the Statutory Commission ;

(b) if the answer to part (a) is in the affirmative, the name of the officer deputed to this work ;

(c) when has this officer, if any, been instructed to complete his work ?

The Honourable Sir CHUNILAL MEHTA : (a) No.

(b) and (c) Do not arise.

Mr. JAIRAMDAS DOULATRAM : Has there been any correspondence which may be termed demi-official between the Government of India and the Government of Bombay ?

The Honourable Sir CHUNILAL MEHTA : I do not think that any question regarding demi-official correspondence can be answered.

Mr. JAIRAMDAS DOULATRAM : I am putting a question with regard to the fact of the correspondence and not with regard to the contents of it ?

The Honourable Sir CHUNILAL MEHTA : I do not know whether even that is allowable, but I may say for the honourable member's information that so far as I am aware there has not been any such correspondence.

Mr. JAIRAMDAS DOULATRAM : Have the Government of Bombay prepared any materials for the coming commission ?

The Honourable Sir CHUNILAL MEHTA : No.

Mr. JAIRAMDAS DOULATRAM : Do Government intend to do so ?

The Honourable Sir CHUNILAL MEHTA : All in due course.

## POLICE DEPARTMENT IN SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to place on the Council table copies of Government Resolutions in force relating to appointments to the Police Department in Sind ?

The Honourable Mr. J. E. B. HOTSON : There are no Government Resolutions relating to appointments to the Police Department in Sind, other than those applying to the Presidency as a whole, for which the Honourable Member is referred to Chapter II of the Bombay District Police Manual, Volume 1, 1913, and to Press Notes dated the 10th May 1924, and 6th February 1926, copies\* of which are placed on the Council table.

## MADRASSAH HIGH SCHOOL : MIRPURKHAS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the number of Hindu and Muslim boys (separately) studying at the Madrassah High School of Mirpurkhas ;

\* Kept in the Secretary's office.



(b) the number of Hindu and Muslim students (separately) who are in receipt of district local board, Government or private scholarships and of those who are free students ;

(c) the number of Hindu and Muslim (separately) students in the above school who pay fees from their parental income ;

(d) the number of Hindu and Muslim students (separately) whose parents belong to and reside in other districts ;

(e) the number of such students who receive a scholarship or a free studentship ;

(f) the number of Hindu and Muslim students (separately) at the Madrassah High School who enjoy both scholarship and a free studentship ;

(g) the cost to Government of educating each boy at the above Government institution ;

(h) the Hindu and Muslim population (separately) of the district ?

The Honourable Dewan Bahadur HARILAL D. DESAI :

	Hindus	Muhammadans
(a)	16	146
(b) Scholarship-holders .. ..	..	65
Free studentships .. ..	1	67½
(c)	15	78½
(d)	13	71
(e) Scholarship-holders .. ..	..	20
Free studentships .. ..	1	27½
(f)	..	4
(g) Rs. 7-14-0		
(h)	175,686	212,735

Mr. A. D. SHETH : Is the less number of Hindu students due to applications not being received or not being sanctioned ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I would require notice of that question.

#### LOCAL BOARDS, SIND : TRAVELLING ALLOWANCE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state the total amount received as travelling allowance during each of the last three years by the following :—

(a) members of each district local board in Sind,

(b) President of each district local board in Sind,

(c) President of each taluka local board in Sind,

(d) Chairman of the school board of each district local board in Sind ?

The Honourable Sir GHULAM HUSSAIN : (a), (b), (c) and (d) The accompanying statement\* gives the required information.

#### DISTRICT LOCAL BOARD, HYDERABAD : PROFESSIONAL TAX

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that the District Local Board of Hyderabad had forwarded its recent proposals for taxing professions irrespective

of income to the Commissioner in Sind for sanction through the Collector of Hyderabad ;

(b) whether it is a fact that the Collector of Hyderabad returned the papers to the District Local Board for reconsideration suggesting that certain professions followed practically exclusively by Muslims which had been exempted by the Board should also be taxed ;

(c) whether it is a fact that the District Local Board rejected the suggestion and refused on various grounds to tax the Muslim professions which had been exempted ;

(d) whether it is a fact that the proposed taxation has been criticised in the local Press as unfair in its incidence and as designed to fall largely on Hindus ?

The Honourable Sir GHULAM HUSSAIN : (a) to (d) Yes.

#### POLICE IN SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state the number of Inspectors, Sub-Inspectors, Head Constables and Constables belonging to Hindu, Muhammadan and European communities (separately) in the (1) armed, (2) unarmed, (3) mounted and (4) Criminal Investigation Department branches of the Police in Sind ?

The Honourable Mr. J. L. RIEU : A statement containing the required information is placed on the Council table.

	Europeans	Hindus	Muham- madans
Inspectors .. .. .	6	7	14
Sub-Inspectors .. .. .	....	45	118
Unarmed Head Constables .. .. .	....	84	198
Unarmed Constables .. .. .	....	375	1,033
Mounted Head Constables .. .. .	....	14	268
Mounted Constables .. .. .	....	28	775
Armed Head Constables .. .. .	....	80	218
Armed Constables .. .. .	....	316	1,205
<i>Criminal Investigation Department</i>			
Inspectors .. .. .	2	1	2
Sub-Inspectors .. .. .	....	4	12
Unarmed Head Constables .. .. .	....	6	10
Unarmed Constables (Finger Print Bureau) .. .. .	....	2	....

#### LLOYD BARRAGE : DESPATCH OF ARTICLES BY MAIL TRAIN

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the total number of occasions from 1st October 1925 up to date on which articles required by the Superintending Engineer of the Lloyd Barrage Circle were ordered out from Karachi or elsewhere by mail trains ;

(b) the nature of articles required on each occasion and the reason why they were ordered out by mail train ;

(c) the total cost of freight and other charges for the conveyance of the goods to Sukkur ;

(d) the total cost which would have been incurred if the articles had been despatched by goods trains ?

The Honourable Sir COWASJI JEHANGIR : (a) 37.

(b) The accompanying statement gives the required information.

(c) Rs. 692.

(d) Rs. 239-2-0.

Serial No.	Nature of articles required	The reason why they were ordered out by Mail train
1	Magnets for Motor Lorry ..	This was urgently needed to put in order the motor lorry used for water supply of the Barrage Township.
2	Wire rope .. ..	In order to protect sheet piling of the cofferdam against the scouring action of the river the ropes were immediately needed.
3	Two parcels each containing 18 moulds for briquettes, from Bombay.	As each of the parcel was expected to be less than the minimum weight, viz., 14 seers authorized to be booked by the goods train please <i>vide</i> rule No. 75 of the Goods Tariff Pamphlet No. 1, the parcels were ordered to be despatched by the Passenger Train. Besides the moulds were required very urgently for the manufacture of briquettes.
4	Kitson Lamps .. ..	These were required immediately for night shift work started at Quarries to meet the heavy demands of stone required for construction of Regulators on Right and Left Bank.
5	Spare parts of Leyner Sharpener.	These were urgently required for repairing Leyner Sharpener for sharpening the drill bits.
6	Cylinder Head for air compressor plant.	This was urgently required for the replacement of old cylinder head of 300 Cft. compressor which is used for quarrying by pneumatic drills. The work would have been held up for a longer period if its despatch had been ordered by a goods train.
7	Drawing Instruments ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.
8	Electric lamps .. ..	Do. do.
9	Iron coach screws ..	Were required urgently in the interest of works on which they were to be utilized.
10	Ferro type frame ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.
11	Drawing materials ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.
12	Five cases of scientific instruments.	Do. do.
13	Printed forms .. ..	Were required urgently in the interest of works on which they were to be utilized.
14	Search Light Carbons ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.
15	" Smooth-on " cement ..	Were required urgently in the interest of works on which they were to be utilised.

Serial No.	Nature of articles required	The reason why they were ordered out by Mail train	
16	Scientific Instruments ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.	
17	Do. ..	Do.	do.
18	Stationery (ink bottles, etc.).	Do.	do.
19	Door Joints ..	Were required urgently in the interest of works on which they were to be utilised.	
20	Electric lamps ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.	
21	Cold starters ..	Were required urgently in the interest of works on which they were to be utilised.	
22	Two cases cold starters ..	Do.	do.
23	Scientific Instruments ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.	
24	Reducing Sockets ..	Were required urgently in the interest of works on which they were to be utilised.	
25	Gauge Glasses ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.	
26	Roko belting ..	Do.	do.
27	Copper rivets ..	Were required urgently in the interest of works on which they were to be utilised.	
28	G. M. Wheels valves ..	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.	
29	Gunny Bags ..	Were required urgently in the interest of works on which they were to be utilised.	
30	Stationery (ink bottles, etc.).	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.	
31	Phowrahs ..	Were required urgently in the interest of works on which they were to be utilised.	
32	G. I. Shackles ..	Do.	do.
33	Chain Iron ..	Do.	do.
34	Do. ..	Do.	do.
35	Swedish iron bars Ferro silicate sticks.	Do.	do.
36	Muntz metal and copper tubing.	Being of delicate nature were ordered by passenger train in order to avoid breakage and ensure safe transit.	
37	Iron locks ..	Do.	do.

*Note.*—Besides these about 130 consignments of articles of various kinds weighing below 14 sears were received by passenger train since these could not be booked per goods train according to Railway Rules.

## URAN MUNICIPALITY : GAOTHAN AREAS

Mr. S. C. JOSHI : Will Government be pleased to state the area for gaothan or building purposes in the Bori and Kumbharwada under the Uran Municipality in the Kolaba District ?

The Honourable Sir GHULAM HUSSAIN : The area of gaothan of Bori is 4 acres and 26 gunthas and that of Kumbharwada is 18 gunthas. No other land has been set apart for building purposes, but land measuring 6 acres 26 $\frac{3}{4}$  gunthas within the boundaries of Bori village has been appropriated for building purposes on payment of non-agricultural assessment.

## EDUCATION OF DEPRESSED CLASSES : CONCESSIONS

Mr. W. S. MUKADAM (Panch Mahals District) : Will the Honourable the Minister for Education be pleased to state what concessions are given to depressed classes to induce them to send their children to schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Besides the special scholarships (mentioned below) in primary and secondary schools to which depressed class boys are eligible, no fees are charged to them in primary schools maintained by Local Authorities and at the Vernacular Final Examination. They are also exempted from the payment of fees in Government Secondary Schools provided that they can show that they are unable to pay fees :—

*Primary Schools*

Three hundred scholarships (100 each of Rs. 5, 6 and 7 per mensem) at the rate of 5 per each district in the Presidency proper, tenable in standards V to VII of primary schools.

*Secondary Schools*

Six hundred and forty-four scholarships of the value mentioned below to be awarded at the rate of 92 per annum distributed in the several divisions of the Presidency on the basis of population and tenable for seven years of the Secondary School course :—

Standards I to III Rs. 6 each per mensem.

Standard IV Rs. 7 each per mensem.

Standard V Rs. 8 each per mensem.

Standards VI to VII Rs. 10 each per mensem.

Their children are also supplied with books and writing materials free of cost in local board primary schools.

## GOVERNMENT SERVANTS : RAISING OF FUNDS

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) whether it is a fact that a Jamadar of Jesawada had raised a fund for the repairs of a Dargah or of any place of Muhammadan worship ;

(b) whether it is also a fact that the mamlatdar of Dohad had contributed to that fund and that some Hindus were asked to subscribe to the fund by the Government officials ;

(c) if it is a fact, whether Government servants are allowed to raise such a fund without the permission of Government ;

(d) whether any permission was applied for in this case and whether it was granted ?

The Honourable Sir CHUNILAL MEHTA : (a) and (b) No.

(c) and (d) These parts of the question do not arise.

PRIMARY EDUCATION : SCHOOLS FOR DEPRESSED CLASSES IN  
NORTHERN DIVISION

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) the number of primary schools for low caste and depressed classes in each district of the Northern Division ;

(b) the village, town or city in which the school is situated ;

(c) in which of these schools non-Hindu teachers are employed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a), (b) and

(c) The sub-joined table gives the information required :—

District	(a) Number of primary schools for depressed Classes	(b) The village, town or city in which the school is situated	(c) Schools in which non-Hindu teachers are employed
Ahmedabad ..	15 ..	Sarkhej, Koth, Pardi, Mandal, Godhavi, Barvala, Bareja, Ahmedabad (5) Viramgam, Dhokla, and Ranpur.	Sarkhej, Koth, Pardi, Mandal, Godhavi, Barvala, Bareja, Ahmedabad (5) and Dholka.
Kaira ..	3 .. (2+1 class)	Borsad, Kaira and Matar.	Kaira.
Panch Mahals ..	5 ..	Godhra, Dohad, Kalol, Jantral, and Jhalod.	Godhra, Dohad, and Jantral.
Broach ..	10 .. (6+4 classes)	Dehej, Gajera, Amod, Kalak, Vedach, Kahanwa, Amod (Class), Broach, Ankleshwar, and Jambusar.	Ankleshwar.
Surat ..	9 .. (3+6 classes)	Katargam, Mota, Kadod, Abrama, Sari, Kachholi, Bhatai, Gandevar and Lilapore.	Kadod and Gandevar.

NEW ENGLISH SCHOOL, GODHRA

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) whether it is a fact that Mr. Manilal Harilal Mehta, a proprietor of the New English School of Godhra, had to enter into an agreement with the educational authorities of the Northern Division to the effect

that the portraits of the late lamented Lokamanya Tilak and Mahatma Gandhi should be removed from the school building to get grant, recognition and registration for his new English school at Godhra ;

(b) if so, what officer of Government has entered into the agreement with Mr. Manilal Mehta ;

(c) if it is not a fact, at whose instance the portraits of Indian patriots were removed from the school building ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No.

(b) Does not arise.

(c) Government have no information.

#### NEW ENGLISH SCHOOL, HALOL

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) whether it is a fact that on receiving verbal or written confidential instructions from the educational authorities of the Northern Division the portraits of Indian Patriots were removed by Mr. Manilal H. Mehta from the school building of the New English School at Halol in the Panch Mahals of which he is only a manager ;

(b) if it is a fact, the reasons for issuing such instructions ;

(c) whether it is a fact that the educational authorities of the Northern Division had promised Mr. Manilal Mehta to recognise the Halol English School and to make some arrangements to give him a grant for that school if he got the pictures of the patriots removed from the School building of Halol in Panch Mahals ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No.

(b) Does not arise.

(c) No.

#### SCHOOLS IN THE PANCH MAHALS : HEAD DRESS OF TEACHERS

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that the Educational Inspector of the Northern Division has asked Mr. Manilal H. Mehta to ask the teachers of the schools under his management and control in Panch Mahals district not to put on white *khadar* caps when they are on duty ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

#### MUSIC IN MARRIAGE PROCESSIONS : DOHAD

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state whether it is a fact that the Mamlatdar of Dohad had brought pressure to bear on the Hindus of that town to stop music in marriage processions in the month of May 1927 ?

The Honourable Mr. J. L. RIEU : No. What actually happened was that there was a dispute with regard to the playing of music by Hindus in processions near the mosques of the Bohras at Dohad. The Hindus claimed the right to play music near the mosques while the Bohras objected. The Mamlatdar of Dohad thereupon convened a meeting of the leaders of both the communities at which

the Bohras agreed to waive their objection and accordingly music was played by the Hindus in procession before the mosque.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : May I know the name of the mamlatdar ?

The Honourable Mr. J. L. RIEU : I have no information as to this.

#### PRIMARY SCHOOLS : NATURE STUDY

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) whether it is a fact that the subject of nature study is wholly practical for the male candidates of the Primary School Teacher's Certificate Examination and wholly written for the female candidate of the same Examination ;

(b) the number of Primary Schools for boys that have school graduates for the purpose of teaching the course of Nature Study ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The subject of Nature Study is both theoretical and practical so far as the men's Training College certificate examination is concerned. In regard to the women's Training College certificate examination, it is only theoretical. Every candidate in the Training College for Women, however, observes, records her observation, and performs some simple experiments in the subject.

(b) The time and labour involved in collecting the information required by the Honourable Member, from all primary schools for boys in the whole Presidency which number nearly 12,000, will be out of all proportion to the utility of the information. It is also not understood what is meant by school graduates. If trained teachers are referred to, it may be observed that as far as possible the teaching of Nature Study is entrusted to trained teachers.

#### EXCISE AUCTION : KAZIPURA LIQUOR SHOP

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether the liquor shop at Kazipura, Nasik City, was re-auctioned this year ; if so, why ;

(b) what were the amounts at which it was sold and resold respectively ;

(c) who was the highest bidder on both the occasions ;

(d) what was the amount for which it was sold last year ; and who was the highest bidder last year ;

(e) whether the second auction was necessitated by a ring being formed among bidders, and if so, who formed the ring ?

The Honourable Mr. G. B. PRADHAN : (a) Yes ; because the bids received at the first auction were not adequate.

(b) The highest bid at the first auction was Rs. 32,000, while the highest bid accepted at the second auction was Rs. 43,200.

(c) At the first auction the highest bidder was Mr. Hiranman Narayan Shindore ; at the second auction Mr. Shindore was the highest bidder on



behalf of his brother Mr. Damu Narayan Shindore, who is shown as the licensee.

(d) The highest bidder last year was Mr. Damu Narayan Shindore to whom the shop was disposed of for Rs. 58,200.

(e) It was suspected that a ring had been formed to prevent bidding ; but it cannot be stated who formed it.

Mr. R. G. PRADHAN : Did the local authorities make enquiries as to who formed the ring ?

The Honourable Mr. G. B. PRADHAN : They made enquiries but were not able to find out.

Mr. R. G. PRADHAN : Did they suspect anybody ?

The Honourable Mr. G. B. PRADHAN : I have no information.

Mr. J. C. SWAMINARAYAN : If there is a ring is not the Government revenue reduced ?

The Honourable Mr. G. B. PRADHAN : It is reduced. That is why a second auction is held.

#### TURF CLUB : PRIZES IN BOMBAY AND POONA

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state —

(a) the total amount distributed by the Turf Club last year in prizes in (a) Poona and (b) Bombay ;

(b) amount of the highest prize ;

(c) amount of the lowest prize ;

(d) amount of highest prizes for any race ;

(e) amount of lowest prizes for any race ?

The Honourable Mr. J. L. RIEU : Government have no information. If the Honourable Member desires to obtain these figures he should apply to the Secretary of the Western India Turf Club.

Mr. HOOSENALLY M. RAHIMTOOLA : May I know whether the Secretary of the Western India Turf Club will supply information to the members of the Legislative Council ?

The Honourable Mr. J. L. RIEU : I cannot say.

Mr. HOOSENALLY M. RAHIMTOOLA : Is not the Club a licensee of the Government ?

The Honourable Mr. J. L. RIEU : Yes.

Mr. HOOSENALLY M. RAHIMTOOLA : Cannot Government get this information from their licensee ?

The Honourable Mr. J. L. RIEU : Not this information. They have no right to demand it.

Mr. J. C. SWAMINARAYAN : Is the Western India Turf Club bound to supply this information to the honourable members of this Council ?

The Honourable Mr. J. L. RIEU : I do not think so.

Mr. B. G. PAHALAJANI : Have Government right to inspect their books ?

The Honourable Mr. J. L. RIEU : I presume that right only extends to information regarding such receipts of the Western India Turf Club as affect the revenues of Government, for instance, the Entertainment Tax.

Mr. HOOSENALLY M. RAHIMTOOLA : Have they refused information to Government ?

The Honourable Mr. J. L. RIEU : Government have made no request for such information to the Secretary of the Western India Turf Club.

Mr. JAIRAMDAS DOULATRAM : Have Government any objection to address the Western India Turf Club to get such information ?

The Honourable Mr. J. L. RIEU : If honourable members desire the information they must address the Secretary of the Western India Turf Club themselves. Government do not feel called upon to make any such request.

#### RACE COURSE, BOMBAY AND POONA : ADMISSION CHARGES

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state the rates of admission to the various enclosures on race course in Bombay and Poona

(a) before the Entertainment Tax was levied ;

(b) when it was 50 per cent. ;

(c) after it was reduced to 25 per cent. ?

The Honourable Mr. J. L. RIEU : The Honourable Member is advised to apply for this information to the Secretary of the Western India Turf Club.

#### TOTALISATOR BETTING : DEDUCTIONS BY TURF CLUB

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state what percentage has been deducted by the Turf Club on the amounts placed on the totalisator

(a) before the Totalisator Tax was levied ; and

(b) after ?

The Honourable Mr. J. L. RIEU : It is understood that the Western India Turf Club used to deduct 10 per cent. from the money staked on the Totalisators, and that since the Totalisator Tax was raised to its present level the Western India Turf Club deducts 12½ per cent. If the Honourable Member desires to verify this information he should apply to the Secretary of the Western India Turf Club.

#### TURF CLUB : DISTRIBUTION OF PRIZES

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) the total amount distributed by the Turf Club last year in prizes ;

(b) the amount out of the above total for geldings ;

(c) the amount out of the above total paid for country-bred horses ;

(d) the amount out of the above total paid for Arab horses ;

(e) the amount out of the above total prizes paid for Australian horses ;

(f) the amount of the above total paid for English horses ?

The Honourable Mr. J. L. RIEU : Government have no information. If the Honourable Member desires to obtain these figures he should apply to the Secretary of the Western India Turf Club.

#### HAJ COMMITTEE, BOMBAY : CONSTITUTION

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased—

(a) to state whether they had issued a Resolution No. 5497 of General Department, dated 5th September 1908, and a letter No. 4471, dated 8th July 1908, regarding the constitution, etc., of the Haj Committee, Bombay ;

(b) if so, to lay a copy of the same on the Council table ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) Copies of Government letter No. 4471, dated the 8th July 1908, and of Government Resolution No. 5497, dated the 5th September 1908, are placed on the Council table.

#### *Pilgrims. —*

Formation of a non-official Committee of Mahomedan gentlemen to assist in the control of the pilgrim traffic.

General Department.

No. 5497.

Bombay Castle,

5th September 1908.

Memorandum to the Commissioner of Police, Bombay, No. 4473, dated 8th July 1908 —

Forwarding copy of a letter \* No. 4471, dated 8th July 1908, addressed to some of the leading members of the Mahomedan community and requesting him to arrange for the necessary meeting at an early date.

Letter \* from the Commissioner of Police, Bombay, No. 10455—21, dated 26th August 1908.—

Forwarding a copy of the proceedings \* of the meeting held at his office on the 21st August 1908.

RESOLUTION. —His Excellency the Governor in Council has read with satisfaction the report of the meeting of Mahomedan gentlemen convened to consider the proposed appointment of a Haj Committee. He is of opinion that it will conduce to the efficiency of the Committee as a working body if, in the first instance, the number of members be limited to 12, excluding the President. The following gentlemen are selected from those who have volunteered their services :

1. Mr. Mahomedbhai Currimbhai Ibrahim, J.P.
2. Mr. Mahomed Sabu Sidick.
3. Mr. Sulaiman Kasim Haji Mitha, J.P.
4. Haji Yusuf Haji Ismail Sobhani, J.P.
5. Khan Saheb Haji Ibrahim Haji Sumar Patel, J.P.
6. Haji Nur Mahomed Dada.
7. Haji Sulaiman Abdul Wahed, J.P.
8. Mr. Abdul Kadir Khatkhatay, B.A., LL.B.
9. Mr. Mahomed Ibrahim Tungekar.
10. Mirza Mahomed Shirazi, J.P.
11. Kazi Kabiruddin, Bar.-at-Law, J.P.
12. Mr. Abdur Razzak, J.P.

The appointment of these gentlemen should be for two years from September 15th, 1908.

\* Printed as accompaniments to this Resolution.

2. His Excellency the Governor in Council is pleased to accept the proposal that, in the first instance, Mr. H. G. Gell, M.V.O., should be the official President of the Committee. This appointment is made pending further orders.

3. The appointment of a Vice-President should be left to the members of the Committee. They should hold a preliminary meeting at an early date, and draw up rules of procedure for the future conduct of the affairs of the Committee.

4. His Excellency the Governor in Council does not at present desire that official Europeans should be added to the Committee. The care of the Hajis is peculiarly the duty of wealthy and public spirited Mahomedan gentlemen; and His Excellency the Governor in Council trusts that the work of the Committee now constituted will afford evidence that they are fully conscious of their duty in this connection.

R. E. ENTHOVEN,  
Secretary to Government.

To

The Commissioner of Police, Bombay,  
The Commissioner of Customs,  
The Health Officer of the Port of Bombay,  
The Private Secretary to His Excellency the Governor,  
H. G. Gell, Esq., M.V.O.,  
Mahomedbhai Currimbhai Ibrahim, Esq., J.P.,  
Mahomed Sabu Sidick, Esq.,  
Sulaiman Kasim Haji Mitha, Esq., J.P.,  
Haji Yusuf Haji Ismail Sobhani, J.P.,  
Khan Sahib Haji Ibrahim Haji Sumar Patel, J.P.,  
Haji Nur Mahomed Dada,  
Haji Sulaiman Abdul Wahed, J.P.,  
Abdul Kadir Khatkhatay, Esq., B.A., LL.B.,  
Mahomed Ibrahim Tungekar, Esq.,  
Mirza Mahomed Shirazi, J.P.,  
Kazi Kabiruddin, Bar.-at-Law, J.P.,  
Abdur Razzak, Esq., J.P.,  
The Editors' Tables.

} By letter

No. of 1908.

Copy forwarded for information and guidance to

*Accompaniment to Government Resolution, General Department, No. 5197,  
dated 5th September 1908.*

No. 4471, dated 8th July 1908.

From—R. E. Enthoven, Esq., I.C.S., Acting Secretary to Government;

To—The Leading Members of the Mahomedan Community.

I am directed to inform you that Government have come to the conclusion that it is desirable to constitute a strong non-official Committee of leading Mahomedan gentlemen, representative of the different sections of the Mahomedan population of Bombay, to superintend the arrangements for the reception and despatch of pilgrims from Bombay and the repatriation of such as are stranded at Jeddah, as well as to otherwise assist pilgrims on their journey to and from Mecca. I am accordingly to address you and to request that, if you desire to co-operate in the matter, you will be so good as to communicate with the Commissioner of Police, Bombay, who has been asked to arrange for a preliminary meeting to be held at his office at an early date, in order to discuss the proposal further.

2. His Excellency the Governor in Council is prepared to afford such a Committee, when constituted, all reasonable official assistance, and to appoint an official to be President, if this course, after further discussion of these proposals, is found to be desirable.

3. Government will be glad to receive, through the Commissioner of Police, the views of the meeting regarding:—

- (1) the number and constitution of the Committee;
- (2) whether it is willing to accept an official President, and whether the Commissioner of Police or other Government officer would be the most suitable; and
- (3) any suggestions regarding the directions in which Government assistance or support is required.

4. I am also to request that the names of those willing to serve on the proposed Committee may be communicated to the Commissioner of Police. His Excellency the Governor in Council is disposed to favour the limitation of the Committee to ten, in the first instance.

#### PRIMARY EDUCATION : LOCAL AUTHORITIES

Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) whether the Deccan and Karnatak local authorities have been absorbing the Government inspecting staff for administrative officers and supervising staff ;

(b) if not, which are the boards which refuse to do so ;

(c) what would be the effect of the action of the boards referred to in (b) on the future of the Government inspecting staff, etc., not taken up ;

(d) how do Government propose to deal with the staff not taken up by such boards ;

(e) what will be the effect of the action of such boards on the provincial expenditure ;

(f) whether they intend to compel the local authorities to take Government inspecting staff and clerks and menials in order to provide for the latter ;

(g) whether the Primary Education Act contains sufficient provisions enabling Government to take disciplinary action against recalcitrant school boards or local authorities who have taken over the control of primary education ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Some of the District Local Boards have absorbed wholly the Government Inspecting staff in the posts of Administrative Officers and Supervisors, while some have done so only partially.

(b) The District Local Board, Dharwar, has refused to take over any of the Government Inspecting staff. The attitude of the District Local Board, Belgaum is also not yet known.

(c) and (d) Such of the Assistant Deputy Educational Inspectors as cannot continue to be provided with posts in the Inspecting Branch of the Department and are also not absorbed by the District Local Boards will have to revert as assistant masters in high schools or training institutions, relieving the temporary substitutes or even probationary assistant masters. Such of the Deputy Educational Inspectors as cannot be provided with posts in the Department may have to retire, or be appointed to lower posts and given a personal allowance.

(e) It is unlikely that there will be any saving to Government.

(f) No.

(g) No.

#### MALEGAON MUNICIPALITY : WATER SUPPLY SCHEME

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state—

(a) whether the Malegaon City Municipality has submitted to Government any water supply scheme for the City of Malegaon (district Nasik) ;

(b) if so, what action Government propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) The Malegaon Municipality requested the Sanitary Engineer to Government to draw up a scheme for water supply by gravitation from the Chankapur Irrigation Canal. A preliminary report has been prepared and will shortly be forwarded to the Municipality by the Sanitary Engineer.

*Loans for the rebuilding and repair of houses  
in flood-affected areas*

The Honourable Mr. J. L. RIEU : Sir, with your permission I should like to make a statement for the information of the House regarding the decision that Government have arrived at with reference to the terms on which they would be prepared to make loans for the reconstruction and repair of houses affected by the floods in Gujarat and in Sind.

Government have decided to issue loans for the re-building and repair of houses in Gujarat and Sind affected by the recent floods on the following terms :—

(a) Interest on loans not exceeding Rs. 200 :

for the first 2 years .. ..	6 pies per rupee ;
for the second 2 years .. ..	9 pies per rupee ;
for the remaining period .. ..	12 pies per rupee.

(b) Interest on loans exceeding Rs. 200 and not exceeding Rs. 1,000 :

for the first 3 years .. ..	9 pies per rupee ;
for the remaining period .. ..	12 pies per rupee ;

provided that no interest will be charged on any loan under (a) or (b), or on any amount repaid in excess of the fixed instalment, if it be repaid at the time when the first year's instalment falls due. That is, if the whole loan is repaid within one year no interest will be charged ; also any amount paid in excess of what is actually due according to the scheme of instalment will be free of interest.

(c) The maximum limit of loans to be Rs. 2,000 ; and 12 pies per rupee to be charged throughout on all loans exceeding Rs. 1,000 and not exceeding Rs. 2,000.

(d) Repayment to be made of all loans within a maximum period of ten years subject to a minimum repayment of Rs. 20 per annum.

The loans to holders of agricultural land will be made under the Agriculturists' Loans Act under the usual conditions in regard to security. Loans to other persons will be made on the security of mortgages of property.

The Registrar of Co-operative Societies has been authorised to establish house reconstruction societies, both rural and urban, in suitable localities ; and funds have been placed at his disposal for this purpose.

Mr. J. B. PETTIT : How do these rates of interest work out in terms of percentage ?

The Honourable Mr. J. L. RIEU : Six pies is  $3\frac{1}{2}$  per cent.; 9 pies 4  $\frac{11}{16}$  per cent.; and 12 pies  $6\frac{1}{4}$  per cent.

Mr. H. J. AMIN : What will be the interest charged by the co-operative societies ?

The Honourable Mr. G. B. PRADHAN : As regards rural societies the same rate ; for other areas 5 per cent.

Mr. JAIRAMDAS DOULATRAM : What is the reason for increasing the rate in the case of urban areas ?

The Honourable Mr. G. B. PRADHAN : In the urban areas the housing societies are to be advanced money according to the rate at which Government borrow. Government do not get loans even at 5 per cent. As regards urban areas, the societies there are started independently of the flood distress.

Mr. JAIRAMDAS DOULATRAM : I think.....

The Honourable the PRESIDENT : Order, order : there can be no discussion. This is a mere statement on behalf of Government.

*(Consideration of Bill No. III of 1927, Bombay Cotton Markets Bill, resumed)*

The Honourable the PRESIDENT : As regards the point of order raised by the honourable member the Legal Remembrancer yesterday, I had given my views to some extent and had promised the House to give my final ruling on the points after seeing the Legal Remembrancer and discussing the matter with him and the Secretary. I have heard the honourable member the Legal Remembrancer and discussed the matter with him, but I am sorry to say I cannot agree with him. The amendment is therefore in order.

Only one thing I may repeat and it is this : as I understand from the papers, the Government of India are very particular in one respect, namely, that they are not willing to give their assent to a bill with a clause of the nature that is being attempted to be introduced in this bill. In fact, I understand that the Statistics Bill did include a clause to that effect and the Government of India have refused to give their assent. However, that is for the information of the House, and it is for the House to decide on the amendment. The amendment is in order.

The Honourable the PRESIDENT : We will begin where we left yesterday namely clause 16.

The Honourable Mr. G. B. PRADHAN : My honourable friend Rao Bahadur Kambli wanted to know whether any assurances would be given by Government as regards the markets which are already in existence. If I remember aright and if he remembers aright it was pointed out to him that the last 6 lines of clause 16 were specially inserted to safeguard such a thing. It is stated in clause 16.

“Except with the sanction in writing of the local Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton;”

This was pointedly brought to his notice. It was also brought to his notice yesterday when I moved my amendment in clause 4 that such interests will be safeguarded. There is a double safeguard, one in clause 4 and the other in clause 16.

Rao Bahadur S. T. KAMBLI (Dharwar District): In view of the assurance given by the Honourable Minister I do not want to press my amendment, and beg leave to withdraw it.

Question put and leave granted.

The Honourable Mr. G. B. PRADHAN: If you will permit me I have to suggest one or two amendments to clause 16. I want to clear the explanation given in that clause. Some difficulties were raised that the wording of the explanation was not quite clear. I want to make it clear.

The Honourable the PRESIDENT: There is an amendment by the honourable member Rao Saheb Patil, though not exactly in the form in which the Honourable Minister has suggested. When that is moved, the Honourable Minister might suggest his for acceptance.

The Honourable Mr. G. B. PRADHAN: That will suit me.

Rao Saheb D. R. PATIL (East Khandesh District): I beg to move the amendment which stands in my name:

In clause 16 (Explanation) substitute the words "at his door" for the words "outside the limits of the cotton market" appearing in the last line of the explanation

Mr. President, you will remember that during the debate on this bill at the last session it was made clear even by the Honourable Minister that every cotton grower is at liberty to sell his cotton at his own door. Unfortunately the explanation is not worded happily. Therefore I want to move my amendment. Supposing the area of the market is prescribed to be 3 miles it may happen that some villages might fall within that area. Therefore my amendment is necessary in the interest of the cotton growers so that they may not be penalised by the law under the present bill, if they were to sell their cotton at their door. Therefore in order to make the intention of the explanation very clear especially in the light of the remarks made by the Honourable Minister I want to move this amendment. With these remarks I move the amendment.

The Honourable Mr. G. B. PRADHAN: I would ask the honourable mover whether he would accept my amendment. My amendment is as follows:—

Delete the words "outside the limits of the cotton market" and substitute the words "premises set apart by the market committee for the purpose of purchase and sale of cotton."

If this is accepted it will make the meaning clear.

Rao Saheb D. R. PATIL: I accept the amendment proposed by the Honourable Minister.

Question put and carried.

The Honourable Mr. G. B. PRADHAN: May I suggest one or two formal amendments to make the bill consistent with the wording? In clause 4 the word "limit" is put down and in clause 16 instead of that word the word "area" is put down. So I want to substitute the word "limit" for the word "area" in line 8 of clause 16.

Question put and carried.

*Clause 16 (No private market to be opened in or near places declared to be cotton markets) as amended ordered to stand part of the Bill.*



The Honourable the PRESIDENT: We will now take up clause 6 where we had left it. The honourable member Mr. Bhosle moved an amendment to add the word "approval." I wonder whether he wishes to accept the amendment of the honourable member Rao Bahadur Kale.

Mr. M. G. BHOSLE (West Khandesh District): I accept Rao Bahadur Kale's amendment. I beg leave to withdraw my amendment.

Question put and leave granted:

Rao Bahadur R. R. KALE (Satara District): Sir, the amendment which stands in my name is as follows:—

At the end of clause 6, sub-clause (4), add the following:—

"For one month previous to the next session thereof and shall be liable to be rescinded or modified by a Resolution of the said Council tabled at the next session."

The last sub-clause (4) of section 6 runs thus:—

"All rules made under this section shall be subject to previous publication and shall when made, be laid on the table of the Bombay Legislative Council."

It stops there. And what I wish to see by this amendment is to supplement this by the addition of the words which I have read just now. The effect of this is to bring rules that will be made by the Government from time to time before the Council. Under this section, they will be first published, because in the section it is said "previous publication." "Previous publication" is a technical expression, which under the General Clauses Act means official publication in the Gazette calling for objections, and if any objections have been preferred, they consider the objections and final rules are afterwards made, and then they become final. So, previous publication is there. Then, there are subsequent safeguards that they were to be placed on the table of the Council. As the clause stands, I think it is rather unnecessary, because there was previous publication there, and by placing them on the table of the Council nothing would be gained more than a further publication as it were. But the real crucial point of the whole matter is that in regard to legislation that has to be passed by an Act always it must be self-contained. But there are cases, especially in this legislation, the Cotton Market Bill is a new Bill and a good deal has to be left to be done subsequently. Therefore, this power is given to Government. But at the same time we cannot give a blank cheque to the executive Government to pass any rules they like. They must be subjected to the sanction of the Council if they are at all to have the force of law, and they have actually the force of law. Now, I do understand that if each and every one of the rules had to be submitted to the Council for approval, as would have been the case if the clause proposed by the honourable member Mr. Bhosle were inserted, it would really increase the amount of this Council's work to a great extent, and consequently the amendment which I wish to make is really a *via media*. That is to say, there may be rules dealing with administrative matters of detail and there may be rules affecting the substance. So, when the Legislative Council has the opportunity of looking at the rules, it is not necessary that each and every single rule should be separately approved. But if any rule really requires cancellation, it is open to every member of the House to bring in a motion, and I therefore use

[Rao Bahadur R. R. Kale]

this word "motion." It is a resolution, but it differs from the general resolutions which this Council has got the power of moving by way of recommendation. This is not by way of a recommendation, but by way of a motion, and it is part and parcel of the Government's work. Private resolutions, honourable members are aware, have to wait their lot and the ballot, and so on. They may not be reached. But with regard to a resolution in this respect, it will have to be a part of Government business and when the rules are placed on the Council table and if any member has tabled an amendment by way of a resolution, that will have to be put before the House.

I also wish to say, Sir, with reference to your remarks about the Government of India's power of according sanction, that honourable members are aware and it will always be in their mind that this power rests with the Government of India to accord their sanction to any legislation that is passed by this Council, and I am sure honourable members of this House will be sparing in their efforts to bring about detailed amendments of such rules, because I know that if the Government of India finds that this power is abused, perhaps they might refuse their sanction. (Moulvi Rafiuddin Ahmad: Let them.) I mean to say it is not a question of letting them refuse, but it is a question of securing from them sanction as far as possible. Hence I am taking much time in this debate, because it may be that the matter may have to go to the Government of India for sanction, and in order that even then the Government of India may not turn down this amendment—if passed by this Council, it will be incorporated in the Act—I wish to say that so far I do not think that this Council has misused the power which was given to it under two previous enactments which I remember, namely, the Co-operative Societies Act and the Children Protection Act. If, therefore, this Council and the honourable members of this Council have not by their action so far done anything to induce the Government of India to think that this is rather a power which should not be vested in the legislature, I do not think the Government of India will refuse sanction. If the course of legislation in England is looked at, it will be found that we are really adopting a *via media*. In the old days everything had to be subjected to the Parliament. Then, business was enormously increased, and, therefore, some provisions were introduced to meet the difficulty. I submit we have the experience of legislation abroad at our back, and the amendment which I have suggested is really in consonance with the result of that experience, and I have no doubt that the Government of India would, in a matter of this kind, see the necessity of my amendment, when they find from the sections of the Bill that there are matters which really would require the attention of the House before they are passed into law. They are not purely administrative rules. So far as the working of the law, as it is, is concerned, there need not be any amendments by us. But, if there are really matters of substance, then certainly it is for this Council to say whether those rules are such as ought to be sanctioned. Therefore, I submit that the amendment which I have proposed will meet with the approval of this Council.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, in regard to the last two enactments which were referred to by the honourable mover of the amendment, the Children Act and the Co-operative Societies Act, a similar amendment was moved in the House and was passed. And now when this House has got the power of making an Act, it must certainly have the power of making changes in the rules. It is the power which every legislature has and must have. In section 129-A of the Government of India Act it has been provided as follows :—

“ Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.”

This is, therefore, a privilege which every legislature has got. Even the rules made under the Government of India Act are subject to the ratification of the Houses of Parliament. Similarly, the rules made under the Acts which we pass must be under the supervision of this House, and this wholesome privilege has been obtained by this House after strenuous fighting, and I think we must stick to the privilege and we must assert the privilege and we should not be intimidated by the Government of India. We wish that this power of having the rules placed before the Council and of rescinding or modifying them by means of a resolution must be inserted in this Bill.

It was argued that a resolution would have only a recommendatory character, but this is not a resolution in the ordinary sense of the term. This is to be a statutory motion which has been provided for in the Standing Orders under Chapter VIII-A at the instance of the then Leader of the House, Sir Maurice Hayward. Resolutions under this Chapter VIII-A are to be treated as Government business. This power has been reserved in the Children Protection Act and Co-operative Societies Act and accordingly resolutions were moved in this House and wholesome changes were made in the rules which were placed before this House. I ask the honourable members—especially the non-official members—not to lose this privilege which our predecessors obtained after a good deal of strenuous fighting. We were very glad, Sir, that you have upheld the privileges of this House. I therefore strongly support the amendment moved by my honourable friend, Rao Bahadur Kale.

The Honourable the PRESIDENT : Would the honourable mover accept a suggestion from me that instead of the word “ resolution ” he might use the word “ motion ” ?

Rao Bahadur R. R. KALE : Yes, Sir.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I had no intention of speaking on this matter because it was so very plain, until you told us to-day that the Government of India might refuse to give assent to the Bill after it is passed. I am certain of what the attitude of the Government of India will be on this question, and from my experience of what the Government of India has been doing towards our legislature, I would refuse to believe that the Government of India would decline to accord

[Mr. B. G. Pahalajani]

sanction to a Bill of this kind simply because of its direction, as this direction was given in ignorance of Chapter VIII-A of our Standing Orders. If the Government of India had known that under the provisions of this Standing Order a resolution of this kind was not a recommendatory motion but a statutory motion having the force of law, then I am sure they would not have made the suggestion in question in their letter, because yesterday you told us that it was the chief reason on which the Government of India had based its recommendation. If they know that such a Standing Order exists here, I am certain they will fall into line with us and assent to the legislation. But, what is more is that the Government of India in the matter of passing Act III of 1923 imposing restrictions on the transport of cotton in the Bombay Presidency.....

Mr. R. S. ASVALE : On a point of order, Sir, whether we are discussing the point of order raised by the honourable member, the Legal Remembrancer, yesterday or whether we are discussing the motion that is before the House. The speeches that have been made look like speeches made more on the point of order raised by the Legal Remembrancer than on the amendment moved by the honourable member from Satara.

The Honourable the PRESIDENT : The remarks of the honourable member Mr. Asavale are very useful in directing the attention of the honourable member who is speaking and of those who are to follow him, to limit their speeches to the motion before the House.

Mr. B. G. PAHALAJANI : If my honourable friend Mr. Asavale had only waited and paid a little more attention to my remarks he would not have raised the point of order and it would not have been necessary for the President to remind me and those to follow to curtail our speeches. The fact is that I wanted to show that the amendment as proposed by the honourable member from Satara is an amendment that has been accepted by this House in almost every Act. What I intended to show was that any danger or fear that the Government of India would withhold sanction is groundless. I also wanted to show that in the matter of the Act No. III of 1923, the Government of India itself had, by an amending Act, introduced section 3 laying down an almost identical rule giving the power under reference to provincial legislature. Therefore I say that the apprehension that the Government of India would refuse sanction is premature.

One more thing I wish to point out and that is, that this Council has never been unreasonable in interfering with the executive rules made under any enactment. The rules made under the Bombay Children Act were placed on the table of this House and all of them were adopted without any modification. The rules made under the Co-operative Societies Act, except one or two, all were allowed to pass unchallenged. This Council has always been reasonable in the passing of such rules without delay. Therefore I request all the honourable members to agree to this amendment because it is a matter of its privilege under which it has to exercise its right of removing any rules which may be prejudicial

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or harmful or obnoxious to any particular part of the country, and therefore this opportunity must be seized to protect our privileges.

Mr. L. M. DESHPANDE (Satara District): Sir, I support the amendment moved by my honourable friend from Satara. The rules that are framed under the various Acts are such as require a great deal of modification. For instance, I may point out that the rules under the Land Revenue Code and the Irrigation Act are such as require great modification and the provisions laid down in these very Acts do not help us to make any change in those rules. An amendment of this kind is quite needed. Sometimes the number of rules exceed even the sections of the Acts under which they are made, and if a member of this House can bring an amendment to the sections, I do not see why the same member should not have power to bring an amendment to the rules made under those sections. The rules are more often than not very troublesome and in many places require immediate cancellation or modification. Under these circumstances, the power of making rules, if given to the executive, solely, certainly interferes with the right given to this legislature, and therefore it is quite necessary that the rules framed under this Act should be placed before this House for modification or alteration as the case may be. The Government of India Act even contemplates this under section 129 as was pointed out by my honourable friend Mr. Swaminarayan and there is another section 19-A which also contemplates a similar thing which lays down that rules should be approved by both Houses of Parliament. So if the rules framed even by the Secretary of State in Council are to be placed before the Houses of Parliament before they can acquire the force of law, such power cannot be taken away from any legislature and given solely to the executive. I therefore heartily support the amendment before the House.

Mr. B. T. DESAI (Bombay City, South): Sir, I surely congratulate the honourable member, Rao Bahadur Kale, on the amendment that he has brought in but I cannot congratulate him for the speech that he has made. I say that it is the inherent and legal right of every legislature to have control over rules that are framed under any Act which it itself forges and therefore it would not be proper that this right of supervising rules should be taken away or should not be vested in the body which forges the Act. Then, Sir, I do not see that there was any necessity for giving an apology, and there is no question of bringing to the notice of the Government of India the behaviour of honourable members here. I certainly take exception to it. The honourable members here have not done anything which should make them consider what the Government of India will think of them. I say we do not at all care for it. As long as these are our rights, we do not care what others think of us. We are here to exercise the rights given to us by law, and we should not in any way be influenced by any idea as to what other bodies may think of us when we exercise our rights. This amendment, I understand, is really a wholesome check on the vagaries of the executive. Of course, if the executive are left to themselves, they frame rules as they like, and we

[Mr. B. T. Desai]

have an instance of it in the case of the Compulsory Primary Education Act, where rules have been framed inconsistent with the provisions of the Act. Of course that would not have come into existence had the House been vigilant enough to exercise its rights at the proper time, and demanded that the rules framed should be placed before the House, to enable the House to modify the rules as required. Then perhaps the present fight that is going on so far as those rules are concerned would have not come into existence at all. Of course, we should blame ourselves for not having been vigilant enough to exercise our rights where it was necessary. I think that in every Act where rules are to be framed this provision ought to be made, or once for all it should be laid down that, even though it is not specifically mentioned in the Act, the House has the inherent right to modify the rules in any way not inconsistent with the Act.

The Honourable Mr. G. B. PRADHAN : Sir, I wish to make the position of Government quite clear. We do not wish to encroach upon the rights of the House ; we do not wish to take away the powers which they possess. I pointed out to you, Sir, and to the House yesterday that this legislation pertains to a central subject, and the sanctioning authority says that such a change in clause 6 is *ultra vires*. That is the ruling which they have given, and so we think that if this amendment is accepted, the whole bill will be wrecked. It is admitted by the whole House that this is a beneficial piece of legislation, and it is wanted by the people.

An Honourable MEMBER : It is not.

The Honourable Mr. G. B. PRADHAN : There may be a difference of opinion, but the majority on both sides of the House think that this is a beneficial piece of legislation, and if this beneficial piece of legislation is to be gone through, my only anxiety is that it should not be wrecked, because of this particular amendment, as the bill has to be submitted to the sanction of the Government of India. That is the view which the Government of India hold. My honourable friend Mr. Pahalajani stated that this Standing Order should have been brought to the notice of the Government of India. I may say that the substance of our standing orders was by implication brought to the notice of the Government of India but in spite of that, they stick to the view that an amendment of this sort will be *ultra vires* ; that is the view which they hold, and they are the sanctioning authority. Yesterday everything was shown to the Honourable the President and made clear. Last year they pointed out that if such a change is made, then they would consider it *ultra vires*, and they will not sanction it. So, I think half a loaf is better than no bread at all, and I hope the House will not wreck this bill because of this amendment. We have always been anxious to meet the wishes of the House in all other cases. In all other cases, we have placed the rules on the Council table and given them an opportunity of modifying them according to their wishes. But here, as the sanctioning authority says that it is *ultra vires*, we have no alternative but to oppose it.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I would like to make a few observations upon what has fallen from the Honourable Minister. I think this is the second attempt on the part of Government to do away with this amendment. Sir, you had stated yesterday that you would come back safe from the custody of the Legal Remembrancer and the Honourable the Leader of the House, and I congratulate you for having kept your word. This House considers that this is a very important amendment, and you, Sir, have ruled that it is in order. Now, I think that this amendment should be passed; the bill without this amendment would, I think, be incomplete and unsatisfactory at least to this part of the House, and further the question of our privilege would be jeopardised. Therefore, I say, whether the Government of India accept this amendment or not, this House is not in a position to give up its rights, and I hope the House will carry the amendment.

Mr. B. G. PAHALAJANI (Western Sind) : On a point of order, I think your predecessor has ruled that no document should be referred to either by Government or this side of the House unless it is on the Council table, and if the Government are prepared to place it on the Council table, then only can they enter into a discussion of the matter.

The Honourable the PRESIDENT : I stated yesterday that the House was not aware of what was the authority of the honourable member the Legal Remembrancer; that is quite enough. But at this stage, I do not think any point of order raised or insisted upon in that connection is of much avail. Let us proceed with the business of the House.

The Honourable Sir COWASJI JEHangIR : Sir, the Honourable Minister has very clearly placed the position before this House and I do not think I can add anything to what he has stated, but there are just two points which honourable members opposite do not seem to recollect. In the first place, honourable members will remember that an amendment of this kind was proposed originally by a Member of this Government, and therefore it is quite clear that this Government did not, at that time, consider such an amendment *ultra vires*. Such an amendment was moved after consulting honourable members opposite, and it was a compromise.

An Honourable MEMBER : When ?

The Honourable Sir COWASJI JEHangIR : The Honourable Sir Maurice Hayward did it in the case of the Children's Protection Bill. This amendment was also included in the case of two other bills, and I believe passed. Afterwards, I believe Government sent a bill to the Government of India with a similar provision, and the Government of India wrote back and said that that provision, in their opinion, was *ultra vires*.

Mr. B. G. PAHALAJANI : I rise to a point of order. The Honourable Member in charge is referring to the opinion of the Government of India, and therefore I want your ruling as to whether it should not be placed on the Council table.

The Honourable Sir COWASJI JEHangIR : May I speak on the point of order ? If I quote any document by reading it, then I understand

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that that document should be placed on the table of the House. But if I do not quote it, but merely refer to an opinion given to this Government by the Government of India or by anybody else, then it is not necessary for me to place that document on the table of the House.

The Honourable the PRESIDENT : I again wish to draw the attention of the honourable member to what I have stated, that he would not insist, at this stage, upon points of order of that nature.

The Honourable Sir COWASJI JEHangIR : I was just mentioning the fact that this Government placed a similar provision in another bill which, in the ordinary course, was submitted to the Government of India, and the Government of India informed this Government that, in their opinion, it was *ultra vires*, and they asked this Government to omit it. These are the facts which honourable members should be aware of. (Interruption.)

I repeat again that they stated that it was *ultra vires*. They are the sanctioning authority and they distinctly stated to this Government that they should not include such clauses in any bill that they may submit to the sanctioning authority. Now, the desire of this honourable House is to include such a clause in this bill. Therefore the Honourable Minister was merely doing his duty in placing all the facts before this honourable House. If the Government of India still maintain the position that this amendment is *ultra vires* and refuse to sanction the bill, all the trouble and all the efforts of honourable members and the Honourable Minister will be of no avail. The Government of India having expressed their opinion in very definite terms the chances are that they will tell the Government of Bombay that the Government of Bombay ought to have fully informed the House of the views of the Government of India. Government have done so. Therefore the position is whether honourable members want the bill without this amendment or do they not want the bill without the amendment. (Interruption.) The reasons of Government were explained to the honourable members. (Interruption.)

The Honourable the PRESIDENT : Order, order.

The Honourable Sir COWASJI JEHangIR : The Honourable Minister and the Legal Remembrancer have explained the position. You, Sir, have seen the opinion of the Government of India. In short as I understand, the position is that the Government of India are of opinion that under the Act no resolution passed by this honourable House can have the force of law. Every resolution shall be a recommendation to the local government and the local government alone has the power of agreeing or disagreeing with any resolution that this honourable House may pass. Further the provisions in the previous bills gave resolutions the force of law and that was considered by the Government of India to be *ultra vires* under the Government of India Act. That is the position, I understand, taken up by the Government of India. (An honourable member : What about Chapter VIII-A of the Standing Orders ?) What is the history of this Standing Order ? The history as I understand it is as follows :



[Sir Cowasji Jehangir]

When the provision was suggested by Sir Maurice Hayward, honourable members stated : " What is the use of our giving notice of resolutions if we have no chance of moving them. If we do not get a high place in the ballot we will not be able to move such resolutions." Sir Maurice Hayward appreciating the soundness of the contention agreed to change the standing orders to enable honourable members to have priority for such resolutions. So far as I recollect such resolutions were included in Government business. A further standing order was introduced into the Standing Orders to give effect to that undertaking. Government of India were informed of the existence of such a Standing Order. But Standing Orders are not sanctioned by the Government of India. Such Standing Orders are passed by this House and the Government of India are not in any way responsible for such Standing Orders. If such Standing Orders require the sanction of the Government of India we could turn round and say : " You have sanctioned a Standing Order which enables us to pass such resolutions and now you cannot say that it is *ultra vires*."

Rao Bahadur R. R. KALE : I do not understand what is *ultra vires*.

The Honourable Sir COWASJI JEHANGIR : Under the Act no resolution of this House can have the force of law.

I think the whole position is clear. The Honourable Minister and the Legal Remembrancer have told you all the facts, and placed before the House the opinion of the Government of India. That is to say, if you include a provision of this nature it may be turned down by the Government of India. Therefore this amendment may not be sanctioned by the Government of India ; and all our efforts may be of no avail.

The Honourable the PRESIDENT : I have given my ruling and pointed out that, whatever be the opinion of the Government of India, as we stand in this House under the Rules and Standing Orders I consider the amendment, according to my understanding in order. I have allowed it. I do not wish that the action of the Government of India should be brought under discussion. Honourable members from Government are repeating more elaborately what I briefly stated from the papers shown to me this morning. I can see that the Government of India appear to insist that no such clause should appear in any of the bills or Acts sent up for sanction. In spite of that, in my humble opinion, I think I am right in ruling the amendment in order. Honourable members will, therefore, confine themselves to the limits prescribed for the discussion and not challenge, whether right or wrong, the opinion of the Government of India.

Mr. R. G. PRADHAN (Nasik District) : Sir, I feel impelled to make few observations by the speech which has been made by the Honourable the General Member. The position that is sought to be submitted to this House on behalf of Government is simply this. Government are asking us not to pass this amendment on the sole ground that if it is passed the whole bill will be vetoed by the Government of India. They themselves recognise the merits of the amendment proposed : on merits they have

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absolutely nothing to say against the amendment. But they say and they hold it as a threat before us, that if this amendment is passed by this Council the whole bill will be vetoed by the Government of India. (The Honourable Sir Cowasji Jehangir : May be.) May be vetoed by the Government of India. I am glad that that correction has been made because from that correction it clearly follows that Government themselves do not feel certain. They are themselves not sure that if this amendment is passed the Government of India will veto the bill. I welcome that correction. The Government themselves are not sure ; they fear, they imagine, that in case the amendment is passed by the Council, probably the Government of India will throw out the entire bill. That is the position as placed by the Government before us. Now, I ask the Council, are we going to allow our judgment as regards this amendment to be in any way deflected or influenced by some imaginary fear ?

Mr. M. WEBB : Sir, on a point of order. Is the honourable member addressing the Chair ?

Mr. R. G. PRADHAN : Oh, yes. I am addressing the Chair. The question, Sir, is this : is the judgment of the honourable House on this amendment going to be influenced by some imaginary or fanciful fear on the part of Government that in case this amendment is passed the whole bill will be vetoed by the Government of India ? That is the question before the honourable House. And I ask the honourable House not to allow their judgment to be in the least influenced by this fear, whether real or fanciful.

There is another point of considerable constitutional importance which I desire to submit for the consideration of this House. This is a bill which refers to a transferred department. The powers of control, supervision and interference on the part of the Government of India on any matter relating to a transferred subject are extremely limited ; they are regulated by a rule. And if we think, as we should certainly think in this particular case, that the interference of the Government of India in vetoing the bill in case this amendment is passed is arbitrary, well, I submit that is an additional reason why we should tell the Government of India that we shall not submit to any such interference on their part. We are bound to make that position clear, and we are bound to tell the Government of India that they should not interfere in a matter that refers to a transferred department.

So, Sir, on all these considerations, I submit that we should not pay the slightest attention to some bogey that is being raised by the Government. We should not in the least care what the Government of India may do. The Government of India may or may not veto. If they veto, the responsibility for so doing will be on the Government of India : we do not want to be a party to that responsibility. But I still cherish considerable faith in the good sense and the sound judgment of the Government of India. Simply because we stick to our views and we pass this amendment, I do not think, the Government of India will be so unreasonable as to entirely veto this beneficial piece of legislation because it embodies

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this provision. I have no such fear, whatever fears my honourable friends opposite may have. It may be that if the Government of India think that such a clause should not be included in the bill, they may again ask this Government to re-commit this bill and submit this particular clause for the reconsideration of this House. That course is open to the Government of India, and it is also open to the Government of Bombay. But at this stage we ought not to allow our judgment to be in the least influenced by any such considerations as have been submitted on behalf of the Government, and I appeal to the House to accept the amendment and pass it.

Rao Bahadur R. R. KALE (Satara District) : Sir, before I reply, I wish to amend the wording of my amendment by adding the words "in the form of a statutory motion" after the words "resolution." I wish to add these words, because the Standing Order on Statutory Motions says :

"A member who wishes to move a resolution which he is entitled to move in pursuance of any statute or legislative enactment." . . . . .

I want to specify that the resolution shall be a statutory motion. In order to make that clear, I want to amplify the meaning of resolution by adding the words "in the form of a statutory motion."

In reply, I have only to say that my task has been performed by the honourable member Mr. Pradhan. But I would add that I was thirsting for some explanation whether the Standing Order itself was *ultra vires* in the view of the Government of India or whether the insertion of this clause in the clause giving the rule-making power to Government was *ultra vires*. Is it the view as the Honourable Sir Cowasji Jehangir has suggested that the legislature has no power to make such a kind of provision ? In this connection I was referring to Act III of 1923, the Cotton Transport Act, an Act on a commercial subject. Section 8 of that Act runs thus :

"No notification under section 3 or rule under section 7 shall be issued by the local Government of any governor's province, unless it has been laid in draft before the Legislative Council of the province, and has been approved by a resolution of the Legislative Council, either with or without modification or addition, but upon such approval being given the notification or rule, as the case may be, may be issued in the form in which it has been so approved."

What I want to submit is that there the power is given to the Legislative Council of the Province to pass resolutions. I think much of the confusion is caused by the word "resolution." As it is commonly understood from the rules and standing orders, generally speaking resolutions are of a recommendatory character. But this is a statutory resolution and the Act provides that the Council can pass this resolution. It is perfectly *intra vires*. I do not see how any objection can be put in the way of any legislative body to make such a provision. What is the necessity for this provision ? It is that when an enactment is passed there is much to be done which is left to rules.

One word with regard to the drastic statement made that the Government of India will in future refuse their sanction to any such enactment that may hereafter be passed by this Council. I do submit that it is a

[Rao Bahadur R. R. Kale]

drastic statement. There are amendments and amendments ; there are enabling sections ; there are rules of an administrative character. In such a case the Government of India will say that it is not a fit subject for sanction. But it seems to me rather doubtful that they will lay down a rule to govern all kinds of future legislation. If they do then goodbye to all Legislative Councils. I do not think that that power is there and that the Government of India will exercise it. If sanction is required we have to approach the Government of India and if it is refused we have to go to a court of law. I do submit that it is the only remedy. If sanction is refused we shall have to file a suit against the Secretary of State. Because the Government of India says that a certain thing is *ultra vires* we should not refrain from undertaking such a thing, and if need be we shall file a suit. I would only submit that we need not be swayed by the fears expressed by the honourable members on the other side. If the worst happens the Act will be vetoed, but it will form the subject of comment and the matter will not rest there. It is not an urgent matter and the heavens are not going to fall if we do not pass the Cotton Markets Bill. It will enable us once for all to test the powers of the Government of India in this respect and we shall not be losers by not passing this legislation. I do submit that the members of Government are not tied down to the mandate of the Government of India. But let them do as they like ; the non-official members of this House will not be swayed by any such fears.

Question put. House divided. Ayes 31 ; Noes 31 : Motion carried, the Honourable the President casting his vote for the Ayes.

### Division No. 2

#### Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb	KAMBLI, Rao Bahadur S. T.
AHMAD, MOULVI RAFIUDDIN	KARKI, Mr. M. D.
AMBEDKAR, Dr. B. R.	KHUHRO, Mr. M. S.
ATAVANE, Mr. A. M.	MUKADAM, Mr. W. S.
BHOSLE, Mr. M. G.	NAIK, Rao Bahadur B. R.
BHUTTO, Khan Bahadur S. N.	NANAL, Mr. B. R.
CHIKODI, Mr. P. R.	NOOR MAHOMED, Mr.
DAWOODKHAN SHALEBHOY, Mr.	PAHALAJANI, Mr. B. G.
DESAI, Mr. B. T.	PATASKAR, Mr. H. V.
DESAI, Mr. J. B.	PATEL, Mr. J. R.
DESHFANDE, Mr. L. M.	PETIT, Mr. J. B.
DIXIT, Dr. M. K.	PRADHAN, Mr. R. G.
GUNJAL, Mr. N. R.	RAHIMTOOLA, Mr. HOSENALLY M.
JOSHI, Mr. S. C.	RAJMAL LAKHICHAND, Mr.
KALE, Rao Bahadur R. R.	SHETH, Mr. A. D.
	SWAMINARAYAN, Mr. J. C.

Tellers for the Ayes : Rao Bahadur R. R. KALE and Mr. B. G. PAHALAJANI.

#### Noes

ANDERSON, Mr. F. G. H.	DOW, Mr. H.
ANDREW, Mr. T. A.	DUGUID, Mr. A.
ASAVALE, Mr. R. S.	FREKE, Mr. C. G.
BALAK RAM, Mr.	GHOSAL, Mr. J.
BOLE, Mr. S. K.	GHULAM HUSSAIN, the Honourable Sir
DABHOLKAR, Sir VASANTRAO	HATCH, Mr. G. W.
DESAI, the Honourable Dewan Bahadur	JADHAV, Mr. B. V.
HARILAL D.	JEHANGIR, the Honourable Sir COWASJI

## Noes—contd.

JONES, Major W. ELLIS  
 LAUGHARI, Khan Saheb RAIS FAZAL  
 MUHAMMAD  
 MARTIN, Mr. J. R.  
 MEHTA, the Honourable Sir CHUNILAL  
 NAVLE, Mr. N. E.  
 OLIVEIRA, Mr. F.  
 \*PATEL, Mr. J. R.  
 PRADHAN, the Honourable Mr. G. B.

RIEU, the Honourable Mr. J. L.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WEBB, Mr. M.  
 WILES, Mr. G.

*Tellers for the Noes.* Major W. Ellis JONES and Mr. A. DUGUID.

\*In the original Division List for the "Noes" as returned by the tellers Mr. J. R. Patel's name was by mistake marked off for Rao Saheb D. R. Patel's (*vide* pages 43 and 45.)

Clause 6, as amended, ordered to stand part of the bill.

Clause 9 (*Appointments and salaries of servants of the market committee*) ordered to stand part of the bill.

Clause 17 (*Penalties*) ordered to stand part of the bill.

Clause 18 (*Offences to be triable only by First Class Magistrates*):

No offence under this Act or under any rule made under section 6 shall be triable by a magistrate other than a magistrate of the First Class.

All fines and damages recovered from an offender shall be paid to the market committee. Prosecutions under this Act may be instituted by any person duly authorized in writing by the market committee in this behalf.

The Honourable Mr. G. B. PRADHAN: Mr. President, there is only one small amendment, only a nominal amendment which I wish to move. There was an omission. The bye-laws also provide for penalties, and so the addition which I propose is necessary. The amendment is:

"In clause 18, after the figure '6' insert the words and figure 'or under any bye-law made under section 7'."

Question put and carried.

Clause 18, as amended, ordered to stand part of the bill.

The preamble and clause 1 (*Short title*) ordered to stand part of the bill.

The Honourable Mr. G. B. PRADHAN: Mr. President, of course, there are certain amendments made, but if all the honourable members have no objection, and if you give me permission, I move that the bill be read a third time. The Standing Order at page 247 says:

"If any amendment be made when a Bill is submitted clause by clause, any Member may object to the Bill being read a third time at the same meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend this provision, disallows the objection."

I do not suppose there will be any objection to the third reading of the bill now. (After a pause.) The clauses will have to be renumbered, and so it may be done to-morrow.

## BILL No. XXI OF 1927 (A BILL TO AMEND THE LAW RELATING TO THE UNIVERSITY OF BOMBAY)

(As amended by the Select Committee)

The Honourable Dewan Bahadur HARILAL D. DESAI: Mr. President, I present the report\* of the select committee on Bill No. XXI of 1927, a Bill to amend the law relating to the University of Bombay.

The Honourable the PRESIDENT : The report of the select committee on Bill No. XXI of 1927, a Bill to amend the law relating to the University of Bombay, is duly presented.

The Honourable Dewan Bahadur HARILAL D. DESAI : Before, Sir, I move that the bill be read a second time, I request you to suspend the operation of Standing Order 8, clause (2) (a), inasmuch as the report of the select committee was not published quite within the 15 days of the date of the session. That clause reads :

“ That the Bill as reported by the Select Committee be read a second time either at once or on some future date to be then stated : provided that no such motion shall be made unless copies of the report, of minutes of dissent and of the bill, if amended, have been despatched to each Member 15 clear days before the date appointed for the Session of the Council at which the report is presented, unless the President in exercise of his power to suspend this provision allows the motion to be made. ”

So, I request your permission to allow me to make the motion by suspension of that standing order.

The Honourable the PRESIDENT : I know that the bill was not published quite in time but I gave honourable members further time to submit their amendments and that was extra six days. In view of that I think that all the members of the House are well informed on all parts of the bill. I, therefore, suspend the provision as asked for.

The Honourable Dewan Bahadur HARILAL D. DESAI : I move,  
 Second reading. Sir, that the bill as reported by the select committee be now read a second time.

The select committee met for five days and worked for about 22 hours on this bill and gave very full consideration to the provisions of the bill as was referred to the select committee after the first reading. The bill has undergone some changes in the shape of some additions, some omissions and some alterations. The provision about the Governor General being brought in as a Visitor of the University is an addition made in conformity with similar provisions in the University Acts of Allahabad, Madras and Andhra Universities and at the desire of the Government of India that that provision should find a place in this bill as in the other enactments relating to other recent universities in India.

The select committee has also provided for physical and military training and for a Board of Selection for appointments to be made by the university and also for a Board of Post Graduate Studies. It has omitted a reference to the school-leaving board at the suggestion of the Government of India as it does not appertain to the proper function of the University. It will have another board of examiners for the entrance to the university and consequently that provision has been left out.

With reference to the alterations, Sir, the question of the provision for creating the post of a rector has been dealt with by providing that there shall be a certain number of votes before such a post is created. Then, there are some changes in the constitution of the senate. There was one provision with reference to all principals being ex-officio members of the senate. In the bill an alteration has been made and instead of all, only some have been provided for. With reference to this there are some amendments before the honourable House.

[Dewan Bahadur Harilal D. Desai]

A provision has been added in the select committee bringing in the Millowners' Associations at Bombay and Ahmedabad, and the provision about giving representation to the university teachers and teachers has been changed by giving ten seats to them instead of five. The elections with reference to city municipalities and district local boards have been arranged with reference to the educational divisions rather than to the revenue divisions.

There is one point on which I ought to say something with reference to clause 44 which is now clause 47 in view of the addition of a proviso in sub-clause (2) to that clause. The words "any provision of this Act or" were retained in view of the passing of the proviso in sub-clause (2), but by some oversight these words were scored out in the copies which were supplied to the honourable members on the 9th of September when we last met and considered the matter, but honourable members will see from the sub-clause (2) that the jurisdiction of the High Court, if any, has been saved and consequently the words "any provision of this Act or" ought to be there; otherwise, sub-clause (2) would be redundant. I mention this in order that there may be no misunderstanding.

Amendments have been sent in by several honourable members with reference to several clauses and these will be discussed by this House in their proper places as we proceed through the bill clause by clause. With these few remarks, I request that the bill be now read a second time.

Question proposed.

Mr. R. G. PRADHAN (Nasik District): Sir, I beg to move:

"That Bill No. XXI of 1927 as reported by the select committee be recommitted to the committee with instruction to make an additional provision in the bill making it a statutory obligation upon the Government to make to the University an annual grant of not less than three lakhs of Rupees."

I make this motion under sub-clause (3) of Standing Order 8, of chapter VIII. Sub-clause (b) of Standing Order VIII, 8, says:

"That the Bill, as reported, be recommitted to the Select Committee, either without limitation, or with instruction to the Select Committee to make some particular or additional provision in the Bill."

Now, Sir, this honourable House is fully aware of the general concensus of opinion and the general state of feeling that in the bill under consideration a statutory provision should be made, making it obligatory on the part of the Government to make an adequate annual grant to the university. Those who have studied the bill and those who have taken any interest in the question of university reform as it should be made, in order that the quality of higher education may be improved and the cause of post-graduate studies and scholarship may be promoted, feel convinced that unless the Government come to the assistance of the university by an adequate financial contribution, this bill in itself will not be able to achieve much. That is the general opinion of all who have thought about this matter, and that is a view with which I agree and which I consider as eminently reasonable. Honourable members will remember that some time ago there was published in "The Times of India" an article contributed by Sir Chimanlal Setalwad, the Vice-Chancellor of the University. It was a very weighty article, and coming as it did from

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the pen of one who has guided the affairs of the University in the capacity of Vice-Chancellor for several years, it is impossible for us not to give it the attention and the consideration to which it is entitled. Honourable members are aware that, in the concluding portion of that article, Sir Chimanlal Setalwad went to the length of expressing the opinion that if financial provision could not be made in the bill the bill had better be dropped altogether. He expressed the view, which I have also expressed just now, that the bill, as it stands, is not likely to achieve much, and if the Government are unable or unwilling to undertake to make reasonable and adequate contribution towards the expenses of the university, the better course would be for the bill to be dropped altogether. That has been the view expressed by Sir Chimanlal Setalwad.

Then I want to remind this Council of another circumstance. A few days ago, a meeting of the Senate was held, and in that meeting the Senate passed a resolution protesting against the introduction of this bill without incorporating into it a provision such as that which I have suggested in my amendment. So, the honourable House will see that the senate as well as most of those who feel interested in this important question are agreed that it is the duty of the Government to give a solemn undertaking, embodied in the bill, that a certain minimum grant shall be made to the University.

Well, the bill has been considered in the select committee. I do not want to go into the details of what took place in the select committee, nor do I want to make any reference to the various views that were expressed in the course of the deliberations of the select committee. I do not want to go into that matter. But certainly it has always appeared to me as extremely surprising and most distressing that a popular Minister, who is in charge of this Department of Education, should have come forward with a measure of this kind without insisting that a clause providing for a minimum statutory grant should be incorporated into the bill. Such an attitude on the part of the Honourable Minister of Education has always appeared to me to be extremely surprising and distressing. In fact, my view has been that he himself ought to have insisted upon a clause of this kind, and he ought to have come forward with a bill which contained that clause. On the contrary, I have noted with very great regret that he seems to be absolutely indifferent to a clause of this kind, which is absolutely important, which is regarded by men like Sir Chimanlal Setalwad as absolutely essential, and upon which in fact depends the future progress and development of the university. But, whatever may be the sins of commission and omission of the Honourable Minister of Education, and however justified and bound we may be to take him to task at times for those sins of omission and commission, it is our duty now to see to it that such a clause is incorporated into the bill. Therefore, I suggest in this amendment that this bill should be recommitted to the select committee, with an express direction from this Council, with a mandate to be given by this Council to the select committee, that such a clause shall be incorporated into the bill. By this amendment, I am asking this honourable House to give a mandate to the select committee ;



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and we are perfectly entitled and we have got that power of giving that mandate to the select committee. We give the mandate to the select committee "Well, consider the bill again, and incorporate into the bill this provision, namely, that at least a minimum grant of Rs. 3 lakhs shall be made by the Government; that provision should be incorporated into the Bill". That is the mandate that I am asking this Council to give to the select committee.

Mr. J. B. PETIT : Why send it back to the select committee ?

Mr. R. G. PRADHAN : My honourable friend asks me, why send it back to the select committee ? The reason is obvious. If any amendment is proposed to that effect in the Council, at once a point of order will be raised that that amendment cannot be moved unless it obtains the previous sanction of His Excellency the Governor.

The Honourable the PRESIDENT : That point of order, I suppose, is awaiting the honourable member as soon as he finishes.

Mr. R. G. PRADHAN : Then I am going to have my say on the point of order later on.

That is the difficulty ; otherwise I would agree with the view taken by my honourable friend Mr. Petit that such an amendment could be passed by this House. Owing to that difficulty it has become absolutely necessary that the bill should be recommitted and that the select committee should be ordered, given this mandate, to incorporate this provision in the bill. Let them do what they like. If they think that the previous sanction of His Excellency the Governor is necessary let them ask for it, write to His Excellency the Governor for his sanction. I would say further that whatever view His Excellency may take the sanction may be granted or may not be granted, as it is in His Excellency's hands. If the sanction is not granted the responsibility will be his. We do not want to take any responsibility. On the contrary so far as the votable portion of the budget is concerned, it is in our hands, it is under our control. We have every right and power to compel the Government to give a mandate to them to allot a particular amount out of the votable portion to the university. (Interruption) An honourable member suggests five lakhs. I have not the least objection to accept it if he brings in an amendment to that effect. These are the considerations I submit to the House, and on the strength of these considerations I request that the bill should be recommitted to the select committee with the mandate that this important provision shall be incorporated in this bill. With these remarks I commend this amendment to the acceptance of the House.

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI : I rise to a point of order, Sir. Standing Order VIII, 8 (1) (2) (b) says :

"that the Bill, as reported, be recommitted to the select committee either—

(i) without limitation, or

(ii) with respect to particular clauses or amendments only, or

(iii) with instruction to the select committee to make some particular or additional provision in the Bill."

[Dewan Bahadur Harilal D. Desai]

If my honourable friend's suggestion were to make some provision other than financial, there would have been no objection. He has made it clear in his speech that he wants to give a mandate to the select committee that a statutory financial obligation should be inserted in the Bill and that Government should contribute annually a certain amount—three lakhs. I submit in view of section 80C of the Government of India Act the amendment is out of order. It is open to my honourable friend to have taken steps as some other honourable members have done to get the permission of His Excellency the Governor for the purpose of being able to make a provision of this sort. He was a member of the select committee. On some days he attended it; but I do not think that he took any part in the discussion except at the time of giving votes. I submit if he was very keen it was open to him at that stage, because he was a member of that committee.

The Honourable the PRESIDENT: Will the Honourable Minister limit himself to the point of order.

The Honourable Dewan Bahadur HARILAL D. DESAI: In view of section 80C of the Government of India Act the whole amendment is out of order.

Mr. R. G. PRADHAN (Nasik District): Sir, I have got to say one thing about this point of order. The point of order raised is that the previous sanction of the Governor is necessary. When such a point is raised it is laid down that the matter must be referred to the authority which is to decide whether the previous sanction is necessary or not. Until it is decided the amendment itself cannot be out of order.

The Honourable the PRESIDENT: What does the honourable member rely on?

Mr. R. G. PRADHAN: I understand in the discussion of Mr. Addyman's Bill this point was raised and your predecessor ruled that when such a point is raised the matter must be referred to the Governor himself.

The Honourable the PRESIDENT: Where is that?

Mr. R. G. PRADHAN: I must have some time to find it out.

It refers to 19 (3) of the Legislative Council Rules. I presume so. It provides:

"If any question arises whether a Bill is or is not a Bill which requires sanction under the Government of India Act, the question shall be referred to the authority which would have power to grant the sanction if it were necessary, and the decision of that authority on the question shall be final."

After all, this is an amendment and does form part of the Bill. The amendment which I am suggesting refers to a particular provision which should be added to the Bill. That provision, if incorporated, will form part of the Bill. Consequently the point of order is simply this, whether the particular clause which is sought to be incorporated in the bill requires the sanction of His Excellency or not. If that is the point of order, then certainly the matter should be referred to His Excellency the Governor. If His Excellency decides that it requires sanction and that sanction is not

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obtained, then certainly it is out of order. But until then this amendment cannot be held to be out of order. It must be referred to His Excellency. The question which will have to be referred to His Excellency will be whether this amendment requires his sanction and if it requires his sanction whether sanction can be obtained or not.

Mr. B. G. PAHALAJANI : Sir, may I bring another point for your consideration ?

The Honourable the PRESIDENT : Very briefly, please.

Mr. B. G. PAHALAJANI : The section of the Government of India Act, section 80C says :

" It shall not be lawful for any member of any local legislative council to introduce without the previous sanction of the Governor, . . . . . any measure affecting the public revenues of a province, or imposing any charge on those revenues."

Its marginal heading is " Financial proposals." I think " any measure " means any law. But this amendment is not a law, and it cannot be called a measure coming under the definition of section 80C of the Government of India Act.

The Honourable the PRESIDENT : As to the first point of the honourable member Mr. Pradhan, that under rule 19 (3) of the Bombay Legislative Council Rules, as soon as a point is raised it should be referred to the authority who can decide it, I do not read that rule in that sense. It is clear under section 80C of the Government of India Act that any measure which seeks to throw a burden on the public revenues of a province should have the previous sanction of the Governor before it is introduced in a local legislative council by any member of that council. Here, the amendment proposed leaves nothing vague about it : it says that three lakhs of rupees should be provided for, and that is throwing a burden on the public revenues.

As regards the second point raised by the honourable member Mr. Pahalajani he draws a distinction between a measure and an amendment to a clause. Whether it is done by a separate Bill or an amendment to the Bill, the result is the same, the provincial revenues are affected. I, therefore, think that at this stage the amendment proposed is out of order.

We must now revert for a moment to the last voting list. I am informed by the Secretary that there is a mistake in the voting list : Mr. J. R. Patel seems to have voted on both sides, or at any rate he is marked as having voted on both sides. Now, may I know on which side the honourable member has voted ?

Mr. J. R. PATEL : Sir, I voted for the amendment, for the Ayes and not for the Noes.

Mr. B. G. PAHALAJANI : Sir, he came to the " Ayes " side : I saw that.

The Honourable the PRESIDENT : I take the word of the honourable member that he has voted for the Ayes. The list should be corrected accordingly. The division would then be 31 for the Ayes and 30 for the Noes ; and the casting vote is not necessitated.

[The President]

The honourable member Mr. Swaminarayan has placed in my hands an amendment that the bill as reported be recommitted to the select committee.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, under Standing Order VIII, 8 (b) (i), I move that :

The Bill as reported be recommitted to the select committee.

Sir, there is no other alternative left to the House for the purpose of seeing that some financial provision is made in the bill.

Rao Bahadur R. R. KALE : Sir, the honourable mover must specify either (i), (ii) or (iii) of the Standing Order. He merely says that the bill be recommitted.

The Honourable the PRESIDENT : He has specified (i).

Mr. J. C. SWAMINARAYAN : There is no other alternative left to the House to see that some sort of financial provision is made in the bill. At the time of the first reading, I had drawn the attention of the House to the fact that it was necessary to have some sort of financial provision in the bill, and after the first reading was passed, I took the earliest opportunity to send an amendment on the lines suggested by me for the sanction of His Excellency the Governor, but that amendment did not receive the sanction under section 80C. Now, the only way in which the House can force the Government to change their attitude and look at this matter from a generous and liberal point of view is by recommitting the bill to the select committee. There is a consensus of opinion outside as regards this matter. Even the present Vice-Chancellor, who is not an elected person, but a nominated person who has the confidence of Government, is of opinion that unless you make financial provision the University Bill will not work. The bill imposes greater financial obligations on the university without giving any sort of additional income. Sir, in all the universities outside India, as well as in India, it is the recognised principle that the university must receive substantial aid from the State. It is very unfortunate that Government have been very obstinate in this matter and that they always rely on technical objections at a time when the House wants to have financial provision inserted in the bill. If the bill is recommitted to the select committee it will give time for getting public opinion. There has been very little time for discussing this matter. There are so many educationists who want to express an opinion on this bill and almost everybody is unanimous in saying that financial provision must be made. The object of my moving the amendment is to afford time and opportunity to Government to change their attitude in this respect. I do not blame His Excellency the Governor because His Excellency the Governor, in respect of the transferred subjects, is supposed to be acting on the advice of Ministers. I hold the Honourable Minister responsible because in regard to transferred subjects His Excellency is not acting on his own initiative. If this bill is recommitted to the select committee the Honourable Minister will get sufficient time to change his views which he holds at present. It is in the interests of the Honourable Minister to see that the bill which we pass is in no way inferior to the

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Madras Bill or the United Provinces Bill. It will be in the interests of the House if financial provision is guaranteed : otherwise we will be very well off under the old Act.

(After recess)

The Honourable the PRESIDENT : Order, order. I find that another mistake has been discovered in the division list, and that is that the tellers have ticked the name of the honourable member Mr. J. R. Patel instead of that of the honourable member Rao Saheb D. R. Patil. That is to say, Rao Saheb Patil's name should have been shown as having voted for the Noes instead of Mr. J. R. Patel. That must be corrected. The result will be 31 against on either side, and the same casting vote will remain. But I must point out, seriously, to honourable members, particularly to those who are told off as tellers, that they must be very careful as tellers because a correct return is of the utmost importance for the fullest reliance of the House on the tellers.

Mr. J. R. MARTIN : May I make a suggestion, Sir ? I am told that in the Assembly each member is assigned a number, and that this saves time and also ensures that these mistakes do not take place. If every member is given a number on the division list and mentions the number, it saves the time of the tellers and possibly the time of the House.

The Honourable the PRESIDENT : I think that is a very good suggestion and I shall consider it.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the argument which I am going to put before the House was forcibly expressed by the Vice-Chancellor of the University and the same matter was discussed by the Senate, and the Senate also have emphatically expressed their opinion that financial provision should be made in the bill. Sir, I sent an amendment on that score for the sanction of His Excellency the Governor. It was a very modest amendment ; it was drafted on a similar clause in the Madras Act and it read as follows :

The University shall have a fund to which shall be credited

- (1) its income from fees, endowments and grants, if any, and
- (2) any contribution by the Local Government. The Local Government shall contribute annually towards the said fund

(a) a sum equal to the amount of contribution by the Local Government in the financial year prior to the coming into force of this Act towards the recurring expenditure of the University ; and

(b) a sum equal to half the expenditure incurred by the University towards the establishment and maintenance of the schools of post-graduate study and research in all branches of higher learning and a college of technology with full equipment of laboratories, workshops, museums and libraries.

Sir, this was a very modest amendment. The U. P. Government bear the whole cost of the technological college while here there was a demand only for half the amount of expenditure to be incurred in the technological college, and such other colleges which make research. Sir, this amendment was not given sanction to under 80C of the Government of India

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Act, and at the same time my honourable friend Mr. K. M. Munshi sent a very, very modest amendment, which read as follows :

" In the said fund, the Government shall contribute annually towards the recurring expenditure of the University Departments a sum equal to the amount of grant-in-aid contributions and donations provided for in the Budget for the year 1927-28."

The honourable member Mr. Munshi desired that the amount that is being paid just now shall be guaranteed to the University. But even that very, very modest suggestion of the honourable member has not been given sanction to. Therefore, we cannot understand what attitude Government wish to take. They do not want the provision of even the grants that are already given to the University. Then, out of that amount some amount has been compelled to be given by the Government of Bombay in connection with the Meston award. The Government of India was making a grant and when the Meston award was adjusted, that amount has been taken by the Government of Bombay and is continued to be paid. The additional grant of Rs. 30,000 was sanctioned only six months ago. In all university is given Rs. 1,27,000. Even this modest grant could not be allowed to be entered as a statutory obligation. Now, if such is the attitude of Government, it is the high duty of this House to see that this attitude is changed, and there is no other way in which that attitude can be changed unless we recommit this bill to the select committee, so that this matter may be taken up there once more and efforts may be made on the part of the select committee to have the attitude of Government changed in this respect. Sir, I may mention that the practice of state aid is recognised in almost all the American State universities, and in Australian universities also the state aid is recognised, and the new universities in India also do recognise the principle of state aid. We are going to get the bride but without the dowry, and we must therefore insist that the bride and the dowry both must come to the House and not, as in the present bill, a bride without the dowry. Sir, I therefore wish that this bill be recommitted to the select committee, and if time and opportunity are given to the Government, they may change their attitude and meet the wishes of this House. I do not suggest that this select committee should meet after the session is over. It can meet for one or two days during the session itself. This is merely a question of the attitude of Government being changed. I do not mean that the members of the select committee may be required to come once more and Government should be put to the expense of travelling expenses for those members. This is suggested merely in order that Government may change their attitude and meet the wishes of the House in a proper way. So I move :

"That the bill as reported be recommitted to the select committee without limitation."

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose this amendment as nothing will be gained by recommitting the bill to the select committee for the purpose for which my honourable friend wants to have it recommitted. He perhaps is not aware of the fact that my honourable friend Mr. Munshi, the representative of the University in this honourable House, asked for permission to add a clause to the bill

[Dewan Bahadur Harilal D. Desai]

with reference to a financial provision for the university. That has received the sanction of His Excellency the Governor under section 80C and it will be coming up in its proper place and at its proper time. This fact shows that that matter will be considered at its proper stage.

As regards the present condition of the university in financial matters, I beg to submit that the university has at present a capital fund of 13 lakhs of rupees bringing to them an annual income of Rs. 53,000. Over and above that, it is saving a net amount between Rs. 70,000 and a lakh of rupees from the fees collected from students. That is the net saving and the university had also on the 1st of July last a balance of Rs. 1,41,000 on hand. That is the present position of the university. However, the provision for which my honourable friend Mr. Munshi had asked for sanction under section 80C has been given and therefore I submit that nothing would be served by sending the bill back to the select committee for the purpose for which the honourable mover wants it to be recommitted.

Rao Bahadur R. R. KALE (Satara District) : Sir, I oppose the amendment moved by my honourable friend Mr. Swaminarayan. We all agree with him that there should be some provision as regards finances but the remedy suggested by him that the bill should be recommitted to the select committee is not the right remedy. The bill was carefully considered in the select committee and to refer it back to the same committee is not likely to improve matters in the least. There has been sufficient elucidation of public opinion both inside and outside the House. I also do not see eye to eye with the Honourable Minister in the way in which he thinks the matter may come up at some subsequent stage. I do not see exactly when the matter is going to come up and why it should come up from a private member. My grievance is that the Honourable Minister, representing as he does the transferred departments and the people, should himself be the sponsor of such a provision. I do not mean to say that he has not made any such effort but I do not know. From the manner, however, in which he has just given expression to his views, I gather that he left it rather to a private non-official member. Whether this private member represents the university or not is a different matter. I say that whatever is to be done should be done by the Honourable Minister himself as the people's representative in the Government even though he may not directly represent the university in this Council. Nonetheless, it is his duty to bring forward amendment to this bill in the way that the Council and everybody else desires. I suggest that we should allow the bill to go through its second reading. There is time enough, let us wait, let us not throw out the bill or send it back to the select committee. If we find at the third reading that the bill deserves to be thrown out altogether, the House has that power in its hands, but I hope that no such occasion will arise and that the Honourable Minister will be in a position to announce during the course of the second reading, at any rate before the second reading is finished, when the matter is going to come up. I for one feel that rather than make matters worse, it is better to be satisfied with the conditions as they now

[Rao Bahadur R. R. Kale]

obtain, and therefore it is I say that we should wait and see how matters develop as the bill goes through the second reading, clause by clause.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, in view of the fact that Government are changing their attitude little by little and in view also of the fact that my honourable friend Mr. Munshi has received sanction to bring up an amendment providing for continuing the financial help to the University, I beg permission of the House to withdraw the amendment which I had moved. I moved the amendment because I was informed that Mr. Munshi had been refused sanction....

The Honourable Dewan Bahadur HARILAL D. DESAI : He was never refused.

Mr. J. C. SWAMINARAYAN : At any rate that was my information. I hope the House will give me leave to withdraw my amendment.

Question put and leave granted.

Mr. L. M. DESHPANDE (Satara District) : I wish, Sir, to point out that the report of the select committee was received on the 20th instant and we did not have sufficient time to send in our amendments in time. I posted my amendments on the 26th instant and the envelope bears the postal stamp of the 26th instant. Still it was not received in the Council office until the 28th, and so those amendments have been ruled out as being time-barred. So I think that just as the Honourable Minister was allowed a concession in the shape of waiving of the provision of Standing Orders this afternoon, so also we should be allowed a similar concession as regards our amendments.

The Honourable the PRESIDENT : I might at once inform the honourable member that I do not propose to do anything of the kind as considering that the publication and the issue took some time, I gave, as it were, the number of days that honourable members had lost for them to send in their amendments, as I stated this morning. The limit was the 27th instant. Anything beyond that is not admissible.

Mr. L. M. DESHPANDE : I posted it on the 26th.

The Honourable the PRESIDENT : It was received in the Council office on the 28th.

Mr. L. M. DESHPANDE : I have very little time to place my views in detail before the House. I will therefore speak generally on the bill.

The first thing that is worth noticing in this bill is with regard to the Vice-Chancellor. When this House has agreed to the Chancellorship being given to His Excellency the Governor, it naturally followed that the Vice-Chancellor should be an elected office bearer, but the clause lays down that the Vice-Chancellor shall be nominated by the Chancellor, and that too not necessarily even from the Fellows ; he may be even an outsider. I think the stage has come when there should be an elected Vice-Chancellor, and he should be elected by the Senate from among the Fellows of the senate ; he should not be an outsider. So, the first thing that is required to be altered is the appointment of the Vice-Chancellor ;



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he should not be nominated ; he should be one who is elected from the Fellows, and not an outsider.

The next point is that representation is given to city municipalities and district local boards, but I notice that the words " members of city municipalities and members of district local boards " do not appear in the clause. Is it to be considered that city municipalities which may be 5 or 6 in a division are to return one Fellow from among them to the Senate ? As the wording goes, it will mean that each city municipality will have one vote only, and as there are 5 or 6 municipalities in one division, it will follow that 5 or 6 persons are to elect one person from among them, taking one vote for each municipality, and the person who secures 4 votes will be elected to the Senate. I think that the way in which this right is sought to be given is rather roundabout. In all democratic bodies direct election is given, while here we have two steps : one is that the person must be on the city municipality or district local board, and the members of each body together are to give one person the right to vote. So, this sort of double and treble election should be avoided. Another thing with regard to this election is that in all other constituencies the ratepayers are given the right of voting. We were just now told as to how the university gets its funds. We find that more than a lakh of rupees are received from fees, while Rs. 53,000 is the interest on the savings, which probably is from these fees. So, the persons who bear the tax of the university are altogether ignored, or given representation through another medium. I think the guardians of the students that pay the fees are the real taxpayers, and they must get direct representation. I do not see any difficulty in registering the names of all the guardians ; that can easily be done, and this principle is one which ought to receive the consideration of this House. The same thing can be said about district local boards. Furthermore, it is very difficult to find out why city municipalities only are given the right of sending representatives. Why should not all the municipalities have this right. These are things which require a radical change, and the proper persons, namely, the persons who pay the tax should be given representation on the senate.

The next thing is that up till now all the principals of colleges were there as *ex-officio*. The original bill had made provision for the principals of all colleges to be on the senate, but in the bill as it has emerged from the select committee only 8 principals of arts colleges are given representation. I think there will be many colleges that will go unrepresented. If the principals are not to come in *ex-officio* on the Senate, I think representatives of every college should be on the senate, because primarily it is these colleges that are closely connected with the university and university education, that is, post-graduate courses. I think, therefore, that every college must have their representative on the senate in the form of either the principal of the college, or some other representative of the college.

The next point is that the School Leaving Examination Board has been deleted from the bill. In the original bill that was included in sub-clause

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(5) of clause 7, but it has been deleted by the select committee. In the statement of objects and reasons we find it stated that the School Leaving Examination Board has been given legislative sanction and thus put on a permanent footing. That statement does not find support in the body of the bill as amended by the select committee. The School Leaving Examination Board was there, and what was required was that it should have legislative sanction as pointed out in the statement of objects and reasons. No reasons are given for this deletion. No reasons are given for this deletion, and we find nothing in the report of the select committee beyond the statement that as suggested by the Government of India clause 7 (5) has been deleted. We do not know what the suggestion of the Government of India is. If the suggestions made by the Government of India are placed before the House, the House can see and consider what those suggestions are, but simply a sentence like that does not convey a proper idea to the House.

Another important thing is that the previous sanction of the Governor General has been obtained for the passing of this Act. It is stated in the preamble :

“ And whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act ; ”

I think this previous sanction was not before the House when the first reading of the bill was gone through. It must have been subsequently obtained, and if at all those words are to remain there, I think the fact should be stated that the previous sanction was obtained after the first reading was passed.

Another important thing is that of making some provision of funds ; as has just now been pointed out by so many honourable members, it is worth considering, and I think, as assured by the Honourable Minister, it will receive the assent of this House.

I also find that the rector's place is newly created. I think just as in the case of big municipalities and district local boards, officers are appointed and Government contribute towards the pay and expenditure of all those officers, similarly the pay and incidental expenditure regarding the rector should be paid by Government in the form of a grant. These are the general remarks I have to make and I have forwarded amendments in proper form. Just as I said I posted them on the due date. Unfortunately they came on the 28th. I again request the Honourable the President as a special case to allow me to move them.

The Honourable the PRESIDENT : Which I cannot.

The Honourable Dewan Bahadur HARILAL D. DESAI : I have nothing to say. These matters will be considered later on.

Clause 2 (*commencement*)

This Act shall come into operation on such date as Government may, by notification in the *Bombay Government Gazette*, appoint in this behalf.

Mr. BALAK RAM : Sir, I move :

The following be substituted for clause 2 :—

"2. This section and sections 1 and 44 shall come into operation at once. The rest of the Act shall come into operation on such date as Government may, by notification in the *Bombay Government Gazette*, appoint in this behalf."

This amendment, which is of a formal nature, has become necessary, because of the changes made by the select committee in the Transitory Provisions, specially clause 44. The position is that if the Act comes into force on the day as the Government appoints, section 44 also comes into operation on that date and not before. But clause 44 prescribes certain action to be taken by the syndicate before that date. There is thus a conflict between clauses 2 and 44. To remove this conflict, I have moved this amendment.

Question put and carried.

Clause 2 as amended ordered to stand part of the bill.

*Clause 3 (Interpretation).*

In this Act, unless there is anything repugnant in the subject or context—

- (a) "College" means an affiliated college;
  - (b) "Fellow" means an *ex-officio* Fellow or an ordinary Fellow of the University appointed under the provisions of this Act but does not include an Honorary Fellow;
  - (c) "Head Master" means the head of a High School registered by the University;
  - (d) "Prescribed" means prescribed by the Act or by any Statutes, Ordinances or Regulations made thereunder;
  - (e) "Principal" means the head of a college;
  - (f) "Registered Graduate" means a graduate registered under the provisions of this Act or of the Indian Universities Act, 1904;
  - (g) "Statutes," "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances, and Regulations of the University made or deemed to have been made under this Act and for the time being in force;
  - (h) "Teacher" means such Professor, Reader, Lecturer and person giving instruction in any college as may be declared by the Statutes to be a teacher;
  - (i) "University" means the University of Bombay as reconstituted under this Act;
  - (j) "University Department" means any collegiate institution or post-graduate or research department maintained by the University;
  - (k) "University Professor" means a person appointed as such by the University;
- and
- (l) "University Teacher" means a person appointed by the University to give instruction on its behalf.

The Honourable the PRESIDENT : There is an amendment to clause 3 in the name of Dr. B. R. Ambedkar.

Dr. B. R. AMBEDKAR : Sir, before I move my amendment to clause 3, I should like to correct a typist's error which has crept in the amendment as it stands on the paper. The amendment should read :

"An incorporated college is any institution founded and managed by the University itself for the study of a special group of subjects not provided in any adequate way in other colleges ; and so on."

Sir, this amendment which I propose to move is a consequential amendment which depends upon the passing of the main amendment to clause 25 of the bill which I shall be moving. If that amendment is not passed it will not become necessary for me to move this amendment. I therefore submit that I may be allowed to move this amendment after my main amendment to clause 25 is passed. If I move this amendment now and later on if my main amendment is lost, I shall be wasting the time of the House.

The Honourable the PRESIDENT : I shall allow the honourable member to revert to this amendment after his amendment to clause 25 is disposed of.

The Honourable the PRESIDENT: Honourable members who have given notice of amendments ought to be in their places.

*Clause 4 (Incorporation and powers of the University).*

4. (1) The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power to appoint University Professors and University teachers, to hold and manage educational endowments, to erect, equip and maintain University laboratories and museums, to make regulations relating to the residence and conduct of students, to lay down courses of instruction for the various examinations, to guide the teaching in colleges, to inspect colleges and to take measures to ensure that proper standards of teaching are maintained in them, to hold examinations, to confer degrees, to undertake post-graduate teaching and to promote research, and to do all acts, not inconsistent with this Act, which tend to the promotion of study and research.

(2) The Chancellor, Vice-Chancellor, the Rector (if any), the Fellows and all persons who may hereafter become or be appointed or elected to be Chancellor, Vice-Chancellor Rector or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, Rector or Fellows, are hereby constituted and declared to be one Body Corporate by the name of the University of Bombay; and such Body Corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

(3) The University shall be competent to acquire and hold property, both moveable and immoveable to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it for the purposes of the University and to contract and do all other things necessary for the purposes of this Act.

Mr. B. V. JADHAV (Satara District): Sir, I move that—

“ In clause 4 (2) delete the words ‘ The rector (if any). ’ ”

The provision for the appointment of the rector need not be kept in the bill. When the teaching side of the university is properly developed—I think this will take a good deal of time—there will be a real necessity of a rector; and no rector need be appointed for many years.

In opposing my amendment it may be argued that to prevent the immediate appointment of the rector a provision has been made in the bill that a resolution of the Senate will be required with a three-fourths majority. That is certainly a safeguard for the appointment of the rector not being made before a real necessity arises. But a number of amendments have been tabled to do away with this restriction of three-fourths majority of the senate. If that restriction is taken away there is a danger of rushing through the senate the resolution about the appointment of the rector by a catch vote. This highly paid officer may thus be appointed at a time when his services are not really wanted. In order to prevent this possibility of having to maintain this white elephant. I desire to remove this provision altogether.

It might be argued that the provision may be allowed to remain there and that it will be utilized whenever occasion arises. On the other hand it might be said that it is not difficult to pass an amending bill at the proper time, when the real necessity for a rector arises. If Government bring in a short bill for the purpose all the three readings can be carried in the same session. For that reason the provision of a rector in this bill is not required.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, the substantial issue of the appointment of Rector comes under clause 12 of the bill. There are so many amendments to it by the honourable members Mr. Bole, Mr. Chikodi and others that even after discussing the omission of this

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word here, the substantial issue will arrive when we come to clause 12 of the bill. Therefore I request the Chair to hold over these amendments till we dispose of clause 12.

The Honourable the PRESIDENT : The suggestion of the honourable member is that this should be taken after that clause (clause 12) is gone through : is that it ?

Mr. B. G. PAHALAJANI : Yes. Immediately clause 12 is lost, this amendment becomes consequential. If that clause is carried, then the word "rector" will remain in this clause ; if that clause is not carried then "rector" will go out.

Mr. B. V. JADHAV : I agree to it.

Rao Bahadur R. R. KALE : Sir, there is an amendment of which notice has been given by the honourable member Mr. Chikodi, which says "Delete clause 12 and make consequential changes where necessary." That will cover the honourable member Mr. Jadhav's point. Therefore I would ask him to consider whether it is necessary to move this amendment.

Mr. B. V. JADHAV : If this point is going to be allowed to be discussed later on when clause 12 is under discussion, I have no objection to asking the permission of the House to withdraw my present amendment.

The Honourable the PRESIDENT : I do not know what the position might be then : I would hold it over. That is all.

#### Clause 5 (*The Visitor*) :

(1) The Governor-General shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and of any institutions maintained by or affiliated to the University and also of the teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Visitor shall in every case give notice to the University of his intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinions of the Senate and Syndicate thereon, advise the University upon the action to be taken.

(4) The Syndicate shall, within such time as the Chancellor may fix, report to him for communication to the Visitor such action, if any, as is proposed to be or has been taken upon such advice. The report shall be accompanied by the opinion of the Senate thereon.

(5) The Chancellor may where action has not been taken by the University within a reasonable time to his satisfaction, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the University shall comply with such directions.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I move :

That sub-clause (4) of clause 5 be deleted.

This sub-clause takes away the liberty and independence of the University. The sub-clause reads :

"The Syndicate shall, within such time as the Chancellor may fix, report to him for communication to the Visitor such action, if any, as is proposed to be or has been taken upon such advice. The report shall be accompanied by the opinion of the Senate thereon,

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Now, Sir, the sub-clause gives power to the Chancellor to compel the university to take a certain course of action. Sub-clauses (2) and (3) give all powers that are necessary to be given to the Visitor and the Chancellor. The Visitor after making inspection or enquiry, sends his proposals to the Chancellor who communicates them to the Senate and the Syndicate, and advises the university to take such steps as are considered necessary by him. There the matter should end, and the university should be left to take such action as it likes and should not be compelled like a subordinate body to carry out the wishes or the orders of the Chancellor. The university has a certain amount of independence. But the effect of the sub-clause 4 of clause 5 will be a clear encroachment upon the independence of the university. I therefore propose that this clause should go. I have also given notice of an amendment to delete the next sub-clause which will make the university entirely subordinate and dependent upon the Chancellor. These clauses give the whole power into the hands of a single person. The object with which this bill was introduced was to democratise the university and to increase its powers. Here by sub-clauses (4) and (5) it is sought to take away all that is going to be given by the subsequent clauses. I therefore propose that the House should delete sub-clause (4).

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I support the amendment moved by the honourable member Mr. Chikodi. The previous sub-clauses give all the powers that are necessary for the Visitor for the purpose of paying a visit to the University and making suggestions. Those sub-clauses enable the Visitor to make suggestions and the Chancellor to communicate those suggestions to the senate and the Syndicate. Now, sub-clauses (4) and (5) make the university a subservient and subordinate body. Those sub-clauses give plenary powers to the Chancellor. The sub-clause proposed to be deleted (sub-clause 4), says :

"The Syndicate shall, within such time as the Chancellor may fix, report to him for communication to the Visitor such action, if any, as is proposed to be or has been taken upon such advice. The report shall be accompanied by the opinion of the Senate thereon."

This sub-clause implies that the university is merely a subordinate body. When the Visitor gives his advice, a body like the University should be trusted to take the necessary action upon the advice. To legislate further that the university shall report to the Chancellor what action it has taken and that it shall take such action as the Chancellor directs, is a step that will not be permitted by any university. Sir, the university is not an ordinary body against whom such directions should be issued. The university should have some independence. Instead of passing this bill with these clauses, I think it would be better to have the old Act. These clauses make the University a subordinate body. In the bill as it was proposed for the first reading there was no provision at all for making the Governor General the Visitor. These provisions were brought in at the time of the select committee. I submit that everything required is given by sub-clauses (1), (2) and (3). Sub-clauses (4) and (5) give plenary powers to the Chancellor and therefore they ought not to be

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allowed to pass. Therefore, I strongly support the amendment to delete sub-clause (4) of clause 5.

Mr. H. HAMILL : I rise to oppose the amendment. The provision of clause 5 simply authorises the Viceroy as the visitor of the University to draw the attention of that body to any defects that may be brought to his notice. It is absurd to make provision for such a power and at the same time to leave it open to the university to fail to take action when such defects have been brought to notice. The bill proposes that such defects as have been brought to notice shall be communicated by the Chancellor to the senate and the syndicate and that the senate shall then have an opportunity of making its remarks upon it. Now if the House imagines that the senate is going to be incapable of justifying its position to the Chancellor or if it cannot justify its position, that it should be at liberty to refuse to rectify the defects then I say the position is hopeless and illogical. I do not think that anyone can have any hesitation in accepting this clause. The situation presupposed by the clause is extremely unlikely to arise. If it does arise, it will require to be amended by the university.

The Honourable the PRESIDENT : I have drawn the attention of honourable members to the fact over and over again, and I would now wish honourable members to take it as a ruling from me that not more than 9 can sit on the first, second or on the benches behind.

Mr. H. V. PATASKAR (East Khandesh District) : I rise to support the amendment proposed by my honourable friend Mr. Chikodi. Formerly there was no provision in the bill with regard to visitors. It appears that on a representation made by the Government of India this provision has been made and we are told that this provision has merely been copied from certain other enactments applicable to the Andhra University in Madras and other universities. We find the Viceroy being named as a visitor. Now if we look clauses 4 and 5 we find that he has been given more powers than a visitor. The function of the visitor, as the term implies, is to see and advise the university with regard to any defects that may be brought to his notice. But to go beyond that and give certain other powers of carrying into effect such advice as proposed is giving him much more than the powers of a visitor and making him practically a dictator. For these reasons clauses 4 and 5 ought to be omitted. Now, Sir, the argument that there are similar provisions in other enactments in India, I think, ought not to weigh with us. We ought to see before copying from other enactments whether a particular thing is beneficial to us. If a visitor is to be appointed I think we ought to stop with clauses 1 to 3 and the other clauses which practically convert the visitor into a dictator should be deleted. I therefore support the amendment.

Mr. P. J. MARZBAN (Bombay City, South) : I understand that in the select committee it was distinctly understood that the consent of the Governor General to the bill was given on the understanding that this clause is inserted to the effect that the Viceroy shall have the power of bringing any defect to the notice of the Chancellor and that it ought

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to be rectified. Now, Sir, if that is true and if the clause were to be deleted the bill will hang fire. May I ask the honourable members to say whether they are prepared for this contingency? The plea was brought forward that it is dangerous to invest this power on the Governor General because in future you may have a Viceroy who, for political reasons, might hamper the university. I think it is a far-fetched and remote contingency and only likely to occur once in a blue moon.

Mr. K. M. MUNSHI (Bombay University): Sir, I rise to support the amendment moved by my honourable friend Mr. Chikodi. I confess that when the question of the Viceroy being made a visitor came before the select committee I for myself did not realise the full effect of the clause. The position is this. As a matter of fact at the first reading I emphasized that the visitorial powers over the university as in all English Universities should be vested in the Chancellor, namely the Governor of this Presidency. I thought that this position was going to be retained. It now turns out that if we want to obtain the sanction of the Governor General for the purposes of this bill for some reasons we must accept the position that the Viceroy should be a visitor. Sir, if it rested there I for myself would be agreeable to it. But the last two clauses introduce an element the full extent of which I only realized when the bill came before me in the printed form. They do not contain merely the visitorial function. Under the English Acts the King possesses the powers of a Visitor and they are restricted to making enquiries. All the Acts stop there. This bill wants to go two stages further. The first stage is that the syndicate shall carry out the directions of the Viceroy and secondly that they shall be carried out by the Chancellor. Sir, I want the House to realise the full meaning of sub-clause 5. It says:

"The Chancellor may where action has not been taken by the University within a reasonable time to his satisfaction....."

The Honourable Mr. G. B. PRADHAN: We are not considering sub-clause 5.

Mr. K. M. MUNSHI: They are inter-connected. You cannot realize the significance of the one without understanding the other. The clause proceeds:

"After considering any explanation furnished or representation made by the senate or the Syndicate, issue such directions as he may think fit and the University shall comply with such directions."

This destroys the democracy in the university. You may have 167 members in the senate or you may have 1,600 members if you like. You may permit the University to make regulations, you may have a toy democratic institution to while away your time. But if at any moment the Chancellor wants to do a certain thing he has simply to move the Viceroy and the latter will come down with all his visitorial powers; and even if the whole senate unanimously is against the thing, the Chancellor will take such steps as to give effect to the directions of the Viceroy and the university shall have to submit to such directions. Thus these last two sub-clauses destroy absolutely the independence—and not only the independence but even the vestige of democracy. My



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honourable friend, Principal Hamill said that the Viceroy will interfere only if the senate is so ignorant as to require directions by the Viceroy—thereby implying that the Viceroy must always be right and the university always wrong and therefore the University must obey. Of course, the Viceroy is the head of the Government of India; and the Government of India is the most perfect of the perfections which are known as Indian Governments. We, know, Sir, that the head of that Government can do no wrong. But it is just likely that in the viceregal office there may be some one who may have no opinion of the senate, or behind the Chancellor there may be a truculent Director of Public Instruction who may not like the ways of the senate. Then where is the independence of the University, Sir, then autonomy is gone, the whole Act is gone, all the provisions of your bill become absolutely useless, for the Chancellor will come and say “I shall carry out this thing.” Now, Sir, that is a negation of the whole basis of this bill. We came to this House not for the purpose of. . . . .

Mr. NOOR MAHOMED : I rise to a point of order, Sir. Is it open to an honourable member who is a member of the select committee and who supports the clause in the select committee to come and attack that clause in the open House, when he has not written any minute of dissent on the point ?

The Honourable the PRESIDENT : Opinions do and may change.

Mr. K. M. MUNSHI : Sir, I prefaced my remarks by saying that I was sorry that I failed to realize the effect of clauses 4 and 5, that I overlooked those clauses at the time, and I cannot even to my honourable friend Mr. Noor Mahomed make a better apology than that. But the House is going to consider it. I submit that even if it is the wish of the Government of India that these clauses should be there, our Government should negotiate with them and try to see that the independence of the university is preserved and not taken away. I ask the Honourable Minister for Education whether any remonstrance has been sent, whether any negotiations were carried on with the Government of India, in regard to this autocratic power, absolutely autocratic power, which has been introduced in this bill. Sir, I may refer to the present Act. The present Act has got the Chancellor as its head; it has got a nominated Vice-Chancellor; it has got no Visitor, and the Viceroy has got absolutely no power of interference. Even the Chancellor has got no power of interference except through the constitutional machinery of the Act itself. There is no arbitrary and autocratic power, such as is sought to be vested in the head of the Government.

Sir, I do not for a moment say that the head of the Government should have nothing to do at all with the University, and I was the first one to say here, during the first reading of the bill, that the Governor of this presidency should be the Chancellor. I do want that the University should be helped by Government and I do want that both Government and the University should work in harmony. But, at the same time, Sir, I want this House to realise that if you are putting up an independent

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constitution, a democratic constitution, you should not have an interference which is absolutely arbitrary. I, Sir, submit that this provision, as I see it, nullifies all the remaining provisions of this bill, and if these provisions are going to be retained, I for myself would sooner continue with the present Act, however bad it is, however difficult it is, rather than have a bill in which the Chancellor and the Viceroy will have power to do what they like.

Sir, there is one thing more, and it is this. We want that the Senate should be supreme in the University, and it is one of the fundamental principles of University administration that within the limit of its Act the University must be independent. Sir, where is the independence of the University if the Chancellor or the Viceroy—may be once in fifty years, it does not matter—have got a right to interfere in this manner. Sir, it is no use having an Act which is distinctly retrogressive. The general complaint was that the present Act was not sufficiently democratic, we wanted to make it more democratic, we wanted to bring it more in conformity with modern conditions. And what is the result? We have got now something which nobody contemplated. Even the University Reforms Committee says we do not want a Visitor. But a Visitor on these terms is a thing which nobody contemplated, neither the University nor the Reforms Committee, and I submit that these two clauses must go. The very fact that the Viceroy is the Visitor of the University, the very fact that the Viceroy, after consulting the University, can give advice is quite sufficient, for the University will, in normal course, accept the advice which is given. I do not want the House to forget that we are going to have, as things go in addition to the Chancellor, a nominated Vice-Chancellor, 40 members of the Senate nominated by the Chancellor, the Director of Public Instruction and the Minister of Education on the Senate. There is, therefore, no chance, no chance even in a dream, that the University would ever go against the firm wishes of this Government or the Government of India. But, Sir, it must be done constitutionally, and the Visitor even must respect the rights and the dignity of the University, and out of that respect must not have the right to carry his powers beyond giving advice. I therefore submit that these two clauses (4) and (5) are really stultifying, and if the Government of India refuse to give their sanction to the bill with these two clauses dropped, we should rather go to the length of dropping this bill than incorporate these arbitrary provisions in the bill.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I rise to oppose this amendment. A few minutes ago there was a very pressing and earnest request to Government for three lakhs of rupees, and now we are talking of independence of the University. Well, if you want to be perfectly independent, you must not claim monetary aid from Government. Remember, you cannot maintain the University without money from Government. The Engineering College belongs to Government; the College of Science belongs to Government; and many Arts Colleges are Government. What is the University without the Colleges. If you have your own Colleges non-co-operative or co-operative, and your own

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professors in them. Certainly, I shall be the last person to advise you to go not to Government. But you have not and yet you say "We are independent." That position certainly is untenable. Beggars can never be choosers.

Then, Sir, I was all the time waiting for an amendment from the honourable member Mr. Munshi. He had studied the bill, I believe. He is almost the father of the bill. He gave us about 32 pages of printed matter to digest during the sitting of the select committee, as his amendments. He was in the select committee, but never thought of moving an amendment there upon this subject. He had full notice, but never sent in an amendment. I think it is an afterthought. I won't take him to task for all that, as he has apologised. In the select committee the Minister told us that there were directions from the Government of India; and he had to obey them. If you want the bill, the clauses must be there. If you do not want the bill, throw them out. The honourable member Mr. Munshi was quiet like a lamb. Why did he not then say "I do not want it"? Here he comes now with all this talk of independence and dignity of the University! The Honourable Minister did tell us, "If you want to accept the bill with this suggestion, accept it; if you do not want, 'throw it out.'" We accepted the clauses and therefore, it does not lie in our mouth, I mean the members of the select committee, to say we have become more independent in a week's time or two weeks' time.

Secondly, this is only a power of veto,—I call these the powers of the veto.—and the Viceroy has always got the power of veto. He is not going to use it except on a rare occasion. It may arise once in fifty years, as the honourable member Mr. Munshi himself admits. Well, we are giving credit to the leaders of the nation, we are giving credit to the officers of Government for wisdom, why should we not give the Viceroy credit for a little common sense? Do you think the Viceroy will necessarily interfere, neglecting all considerations of administration? Would the Viceroy interfere for the sake of annoyance. We must admit that Government must have certain power.

Another thing, Sir. I believe that my honourable friend Mr. Munshi has read the report of the Calcutta University Commission. There a manlike Sir Ashotosh Mukerjee was the Vice-Chancellor. In that report they have unanimously agreed that the Government must have similar power.....

Mr. K. M. MUNSHI: I doubt it.

MOULVI RAFIUDDIN AHMAD: If you doubt it, I leave you at that, and I will proceed. These are not the powers of the Government of India. The Viceroy is the Visitor, not the Government of India, I believe, as the representative of the King. It is right that we should grant him this power of veto, as we know that without this clause the bill will not receive his consent. I have fought for a clause in the last bill, because we know nothing about Government's intentions and we wanted the independence of this House to be preserved, but here is a matter which was brought to our notice in the select committee and

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we are definitely told that without the clause under consideration the bill would be repealed. The university is bound in many ways by conditions imposed by Government. Therefore, we should not follow the advice given by my honourable friend Mr. Munshi to throw out the bill, if the two clauses are going to be there. I am not disposed to accept his advice. I think we should accept the bill. The Senate is quite competent to take care of its independence. If Government at any time become unreasonable, we shall ask public opinion to judge between us and the Viceroy and the Chancellor and the Government of India. The Chancellor will not give any advice to the Viceroy which would be against the interests of the University. Therefore, we might give credit to the Chancellor and to the Viceroy for their good intentions, and as practical men, we should accept the situation and pass this bill. I therefore most strongly oppose this amendment.

Mr. A. D. SHETH (Ahmedabad District): Sir, I want to support the amendment. While doing it, I want to refer to the speech of my honourable friend the Moulvi Rafiuddin Ahmad. He gave us a lot of grandfatherly advice asking us to realise our position as beggars in this House and he advised us to behave in a beggarly fashion. It may be his belief that we or the people or the members should follow his advice to be beggars in this House. Let me assure him and all others that are concerned that that is not the creed of a number of members on this side of the House. Not only that but I believe that to say so and to say it as a member of this House is an insult to the House. We do not come here as beggars, we come here as of right, we do not beg money, we want money as of right; we do not want money from the pockets of any officer, any Governor or any Viceroy from his pay or from the parcels of money which they may import from England or any other place. We want money which we ourselves have paid; we want money which has gone from our own pockets and we want it by our own votes. That is not beggary. To say that it is beggary might suit the Moulvi's begging mentality. To us it is deliberate insult. We are not sitting here as beggars. If the Moulvi thinks that he sits here as a beggar, he is welcome to his opinion. We leave him to his luxury of begging. The honourable member, Moulvi Rafiuddin Ahmad, just said that because His Excellency the Governor says "we won't pass this bill unless you give these visitatorial powers to the Viceroy," we should accept the position. I see that this sort of argument was heard in this House twice to-day. The Honourable Minister Mr. Pradhan while speaking on the Cotton Markets Bill used the same argument early this morning and he told us that if we did not do such and such a thing, the Government of India would not accord its sanction. The same argument is now being repeated here but by a private non-official member Moulvi Rafiuddin Ahmed. That is not the position which we expect Government to take up. That is not the attitude which we expect the saner element in the Government to adopt. I think it would be better for Government to explain their position in this matter a little more clearly than has been done. If Government say that unless this visitatorial power is reserved to the Viceroy the bill will be rejected, then I

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say that the sooner we stop such a farce the better. We should rather say that we will not have it, that we shall be content to let things go on as they are. We should say to Government that if they want to dictate terms to us in this manner, then we do not want this bill at all, we shall have nothing more to do with it ; but we should not submit to any such condition which may be sought to be imposed upon us at the point of the bayonet or the pistol as it were. The term "visitorial power" seems to be a contradiction in terms. In its ordinary sense, a visitor has the power of visiting and advising, nothing more than that. There are visitors provided for in other Universities in this country as well, and in England and other countries too ; but I believe that the powers given to such visitors are merely advisory. If any visitor of high rank chooses to tender advice, his advice will be heard with respect. If His Excellency the Viceroy chooses to give any advice, we shall listen to it with respect no doubt ; but we cannot brook the idea of the Viceroy, as a visitor, wielding the power of the veto. I do not at all agree that the visitorial power should be reserved to the Viceroy in the manner that is sought to be done. To-day we are seeking to democratise the constitution of the University by adding to the number of elected members, etc. Why should we at such a time allow dictatorial powers to anybody, however high and exalted a position he may occupy ?

If any one with any knowledge of the local situation gets these powers, there may be some reason behind it. For example, if His Excellency the Governor as Chancellor, being in Bombay and having direct connection with the affairs of the University, wields these powers and advises certain reforms or changes, he will be doing so with knowledge of things behind his advice. What particular knowledge of local conditions will His Excellency the Viceroy be able to command of the affairs of the University ? Why do you want to give powers to the Viceroy, a gentleman staying at a very great distance, having no time to consider our wants ? I feel that this attempt is being made to do a thing by a backdoor, through the Viceroy, what cannot be done directly. It appears that when local Government cannot get certain powers they want them to be reserved to some high personage, whom they can move to suit their purposes. So if they want to do anything, through him it may be done. I believe there is no case whatsoever for giving powers to a gentleman who has no knowledge of the situation, who has no knowledge of the surroundings, who is not expected to be familiar with the situation, to go deep into these matters. To give these powers to him means giving powers to some one who is behind the curtain. We do not want to give these powers to persons behind the throne. With these words, I support the amendment.

**Dr. B. R. AMBEDKAR :** I rise to a point of order. May I know which amendment is before the House ? Is it the deletion of sub-clause (4) or sub-clause (5) ?

**The Honourable the PRESIDENT :** The amendment is to delete sub-clause (4).

**Dr. B. R. AMBEDKAR :** Honourable members seem to be addressing on both the amendments.

**The Honourable the PRESIDENT :** They are so connected that it is very difficult to disconnect the two.

**Mr. J. B. PETIT (Bombay Millowners' Association) :** Sir, I think, I would preface my remarks very much in the same manner in which the honourable member for the University has prefaced his. The full significance and scope of the clauses which are sought to be amended had not become quite clear to me in the select committee when they came up there for discussion. But now that their exact incidence and implication have been so clearly pointed out to this House, I feel that it would be better if these extraordinary powers were not vested in the Viceroy as is sought to be done in the bill before us. Personally, Sir, I cannot conceive of any possible occasion on which really reasonable and important reforms are called for, that would be embodied in the shape of recommendations made in the ordinary course of events by the Viceroy or his representatives, which a reasonable and thoughtful Senate, composed as it is provided for in the bill, would not readily and willingly carry out. When, however, the Senate constituted as it is proposed to be, refuses for some reason to carry out such recommendations, then it is safe to assume that there is some valid reason for the Senate for coming to that conclusion. I for one am not quite convinced of the reasonableness of the provisions which seek to vest in the Viceroy or any other officer however highly placed he may be, arbitrary and peremptory powers of insisting upon such recommendations being carried out by the Senate, in spite of its considered opinion and conviction to the contrary. As the honourable member for the University has told us, such occasions would be very rare. But when they did arise, we could always expect a reasonable and thoughtful Senate to carry them out, sometimes even against its better judgment, for various reasons such as the desirability of working smoothly with the Government and of enjoying its confidence, the desirability of getting such support as it may expect to obtain from it from time to time, and other considerations of a similar character. For these reasons I do not think it is either desirable or right for the legislature to vest in the Viceroy such extraordinary powers as are referred to in the clauses under discussion, which can be exercised, as we have been repeatedly assured, only on very rare occasions, and then too, either through the instrumentality, or on the recommendations, of some highly placed Government officials. After all, it is reasonable to assume that the Viceroy, even when he pays an official visit to the University on rare occasions, cannot himself make the report, or as the result of such visits, come to conclusions upon which definite recommendations can be based, for the adoption of the Senate. It is also safe to assume that in making his recommendations he must and would ordinarily consult officers with pre-conceived ideas and notions of their own ; and in nine cases out of 10, it is equally natural to assume that the recommendations which he would make, would as a rule, not be his own personal recommendations, but of others. The Viceroy would thus be very largely influenced by the recommendations and notions of such of his officials as are in close and living touch with the University,

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and have pre-conceived ideas of their own, which they would thus be able to force upon the University. I fear that it is only under such circumstances that this and the subsequent clause will be brought into operation. It is therefore right and proper, when such circumstances arise, that the question of putting these recommendations into effect should be left absolutely to the discretion and good sense of the body which, under the Act, is very rightly charged with the administration of the University. This is a point of view, which, I am sure all honourable members of this House, who bear the real purpose of the bill in mind, will be able readily to understand and appreciate. If any other object is allowed to influence this honourable House in the determination of this important question, I am afraid the step will be fraught with insurmountable difficulties and create a position which will be incompatible with the independence and integrity of the University, which I am sure, is neither the intention of the legislature nor of the Government. Under the circumstances, I hope the House will accept the amendment, and reject the two sub-clauses in the original form, in which they are embodied in the bill.

Mr. L. M. DESHPANDE : On a point of information, may we know what the suggestions of the Government of India are ? It is stated in the report of the select committee :

“ As suggested by the Government of India, we have inserted a new clause 5 providing that the Governor General shall be the Visitor of the University, etc. ”

What are these suggestions ? The House is ignorant of these suggestions.

The Honourable Dewan Bahadur HARILAL D. DESAI : They are not suggestions. Sanction under section 80-A (3) to the bill has been conditioned on the insertion of clause 5 as worded in the bill, similar to the clauses which are to be found on the subject in the Madras, Allahabad and Andhra University Acts. Consequently, it is for the House to decide whether they want the bill or not. There is a further condition, over and above that, that the consent of His Excellency the Governor should be reserved until the bill is assented to by the Government of India.

The Honourable the PRESIDENT : What the honourable member wanted to know, I suppose, is in reference to paragraph 6 of the report of the select committee, where it is stated :

“ As suggested by the Government of India, we have inserted a new clause 5 providing that the Governor General shall be the Visitor of the University and defining his powers ”

The Honourable Dewan Bahadur HARILAL D. DESAI : They were directions, that these provisions should be inserted.

The Honourable the PRESIDENT : That is just what he wants to know.

The Honourable Dewan Bahadur HARILAL D. DESAI : I will have to find it out from among the files.

The Honourable the PRESIDENT : The Honourable Minister wants some time for it.

The Honourable Dewan Bahadur HARILAL D. DESAI : I think the Remembrancer of Legal Affairs will be able to state it.

Mr. BALAK RAM : The suggestions of the Government of India are embodied in clause 5 of the bill.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I wish to raise two points of order ; one of them I raised before, but the Chair did not give a ruling on the point then and therefore I again raise it now. The point is that if the orders of the Government of India are relied upon by any member of the Government they must be placed on the Council table.

The second point is this : The Honourable Minister has stated that the sanction of the Government of India, mentioned in the preamble, is conditional to the insertion of this clause. Is conditional sanction a proper sanction ? It is for the Chair to rule. It is either a sanction or no sanction. Is there any provision in the Government of India Act for conditional sanction, that in a particular piece of legislation this shall be done and that shall not be done ? If it is a sanction, it must be an unconditional one. If it is a conditional sanction, it means that it is not a final sanction, and the bill cannot come before the House.

The Honourable the PRESIDENT : I think the two points of order have been mixed up. The honourable member has been asking me to give a definite ruling on the question whether, when documents or references or correspondence are relied upon by Government members in the Council, it is the privilege of the House to have those documents or correspondence before the House. The demand is legitimate. The next point may be raised after this is replied to.

Mr. BALAK RAM : I should like to say that the demand for information as to the contents of the letter from the Government of India was made by an honourable member from the other side, and I believe the Honourable Minister and honourable members on this side were not relying particularly upon the Government of India letter. There is mention of the Government of India letter in the select committee's report, but I do not suppose that in this respect the House has anything to do with what the select committee says.

The Honourable the PRESIDENT : Order, order. Several speeches have been made and two or three honourable members have actually mentioned that this clause has been inserted in consequence of conditions enforced. The honourable member Moulvi Rafiuddin has said, as a member of the select committee, that there was no way out of it, and that therefore it had to be accepted. The Honourable Minister has just now stated that there have been not only suggestion but directions—to use his word. He has also stated that they would be placed before the Council. I certainly think that in a matter like that Government should deal with the House fairly.

Mr. BALAK RAM : May I explain the legal position with regard to sanction ?

The Honourable the PRESIDENT : I have separated the two points.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, on the 15th of August 1927, after we had finished the first reading of this bill a wire was received from the Government of India that further proceedings



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of the bill should be stopped. But before we got it, the first reading of the bill had been passed and the bill referred to the select committee. They enquired how the first Act of 1857 could be repealed by an Act of this legislature, because that was a Government of India Act. They sent this wire on the basis of a copy of the bill that had been sent to them. They took time in examining it. Just after we finished the first reading we got the wire. Thereafter the Government of India was addressed and in the reply they gave the sanction of which I am giving the purport : That the Governor General should be made a visitor as in the case of other Universities. They made further suggestions about the school leaving examination. Consequently the former provision was inserted in the select committee. In the select committee no one doubted the orders of the Government of India. If the letter were here it would have been produced before the Council. As soon as it is found it will be produced before the House. Shall I make any further remarks ?

The Honourable the PRESIDENT : If the Honourable Minister chooses.

The point is that the House is anxious to know what the Government of India demanded. (Hear. hear.) Whether these sub-clauses (3), (4) and (5) were demanded by the Government of India.

The Honourable Dewan Bahadur HARILAL D. DESAI : I may inform the House, Sir, that these are the provisions of the Madras Act of 1923. The provisions which are inserted in clause 5 are to be found there. This is practically a copy of section 7 of the Madras Act, VII of 1923.

The Honourable the PRESIDENT : As regards the other point whether the sanction was conditional there is some misunderstanding on the part of the honourable member Mr. Pahalajani. He understood the Honourable Minister to say that the sanction was conditional on this. I do not suppose so because the Honourable Minister has just now stated that the sanction was received before the first reading.

The Honourable Dewan Bahadur HARILAL D. DESAI : The sanction was received after the first reading.

The Honourable the PRESIDENT : That cannot be. I presume that the sanction is not certainly conditional. I call upon the honourable member Dr. Dixit to speak.

Dr. M. K. DIXIT : If I know the papers I may make some more observations.

The Honourable the PRESIDENT : Any other member wishes to speak ?

Mr. R. G. PRADHAN (Nasik District) : I rise to support the amendment and strongly oppose the inclusion of these clauses. My objection to clause 4, clause 5 and this section is that the powers which are conferred upon the Viceroy are excessive. I have no objection to the Viceroy being made a visitor. But even in the select committee many of us had no idea whatever that the powers that would be conferred on the Viceroy

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as a visitor would be so extensive and so arbitrary as to empower him with the right of interference with the affairs of the University just as he might like. I do not want to refer to what took place in the select committee. If I were to refer to it, I shall have to tell the House that the deliberations in the select committee were not conducted in the manner in which they ought to have been conducted.

The Honourable the PRESIDENT : The honourable member should not refer to it.

Mr. R. G. PRADHAN : I bow to your ruling, Sir. I hope no honourable member will compel me to do that. Otherwise I would have to mention facts which would be unpalatable. Well, I gather from what has been said by the Honourable Minister that these clauses were entered here at the dictation of the Government of India. Now, Sir, we all know that even the Government of India have to submit to dictation from Whitehall. Nature is very revengeful. The Government of India is dictating to this House and interfering with this House even in matters which relate to transferred departments. I know as honourable members know, that the Government of India have to submit to dictation from Whitehall. It is however the concern of the Government of India. The question to my mind is plain. From the statements made by the Honourable Minister for Education I consider that he has made an ignoble submission, an abject surrender, to dictation from Delhi or Simla. I wonder why the Honourable Minister of Education is there at all. Is he there to carry out the wishes of the Government of India ? Is he there to administer the transferred department of education not on the basis of his own views, his own considered judgment and in deference to public opinion, but in accordance with the wishes of the Government of India ? Is he there to be pulled here and there by the Government of India ? Whatever his views as regards his duties may be, the Council has made it clear what its views are. Well, Sir, it pains me very much to see such an attitude being maintained by the Honourable Minister. It pains me very much indeed. I do not wish to say much further on that aspect of the matter.

Is this Council going to be dictated by the Government of India ? Are we going to play second fiddle to the Government of India or to some Secretary in the office of the Government of India ? Are we going to do that ? The Government of India wants us to do such and such a thing : are we going to bow to them and obey them even in matters which are transferred to our control ? If we are to do so, then what is the use of saying that those departments have been transferred to popular control, that those departments will be administered by Ministers responsible to the Legislative Council and through them to the electorates ? Well, Sir, this dyarchical constitution has already become ridiculous : it will become ten thousand times more ridiculous if interference with the administration of transferred departments by the Government of India is to go on. Are we to submit tamely like sheep, like dumb driven cattle, to dictation from Simla or Delhi ? The position is absurd ; it is ridiculous ; it is painful ; it is distressful. I entirely agree with my

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honourable friend, the member for the University, that rather than submit to these restrictions, these extraordinary and arbitrary powers which are given to the Viceroy, rather than tamely and meekly submit to dictation from Delhi and Simla, we should throw out the bill altogether.

Sir, the revelations which have been made in the course of the debate are painful. One Honourable Minister in connection with the Cotton Markets Bill told us that the Government of India wanted such and such a thing, and if that was not done, then the bill would be vetoed. Here is another Honourable Minister, his honourable colleague, who comes forward with another bill and tells us that these provisions must be accepted; otherwise the bill will go to the wall. Let the bill go to the wall; we do not care a bit. The present constitution of the University is satisfactory as it goes, and I do not think things will be very much better if we pass this bill with such extraordinary provisions. On the contrary, it appears to me that this is an indirect, an insidious way of getting official control over departments which are said to be transferred to popular control. I was very much pained by the speech which my honourable friend the Moulvi Saheb made. Generally he makes good speeches, but this particular speech was very bad. He made reference to the control which was recommended by the Sadler Commission over the Calcutta University. But my honourable friend conveniently forgot that when that recommendation was made higher education was a reserved subject in Bengal. As a result of the recommendations of the Reforms Enquiry Committee, that subject has become a transferred department now, if at all. But when the suggestion was made, which my honourable friend referred to, higher education was a reserved subject in Bengal. And there is a lot of difference from the constitutional point of view between a transferred department and a reserved department, and that difference must never be forgotten by elected members. I have the highest respect for the honourable member the Moulvi Saheb. It was urged by him: "If we go to Government for financial assistance why should we grudge official control?" In the first place, whose money is it that Government possess? Is it not my money and the honourable member the Moulvi Saheb's money? Is not the money which the Government of India and the Government of Bombay possess the Indian people's money? Is it money imported from England? If any allotments or contributions are made, they will be made from our money. Simply because some assistance is given, assistance of a lakh and a half, assistance of three lakhs or even five lakhs, will that justify interference, control, or dictation, arbitrary, unnecessary and unjustifiable such as contemplated in this clause. May I ask my honourable friend will that justify such interference? I will rather not have the money at all rather than submit to such interference. It appears to me that the right course for us is to strongly oppose this clause. I hope therefore the amendment will be carried.

The Honourable Sir CHUNILAL MEHTA : Mr. President, it is very unusual to place before the House or even to read the correspondence

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passing between the Government of India and local Governments as the House is aware and as has been pointed out time after time for many years. In this particular instance the select committee were apprised of the fact that the Government of India has made certain suggestions and it is also mentioned in the select committee's report. Honourable members on the opposite side have asked to be informed of the exact terms in which the Government of India have addressed the local Government. In view of the high feeling exhibited and in view, Sir, of your ruling, under these special circumstances, I think that Government should have no objection to complying with the wishes of the House, and I will therefore do so. I do it subject to the limits with which I prefaced my remarks just now, namely that ordinarily these communications are not read out to the House.

The Honourable the PRESIDENT: I am sorry to interrupt the Honourable the Leader of the House. What was asked for and what was the ruling given is this : that if any member of Government refers to any document or correspondence and relies on that, then it is the privilege of the House to be in possession of it. Under that ruling the Honourable the Leader of the House has to read the letter.

The Honourable Sir CHUNILAL MEHTA: Well, Sir, if it is a question of any member of Government relying upon the document, then I suppose he will have to be very careful. If members of Government should avoid any reference to these letters I daresay they will do so. A mere reference which may be thrown out for the information of the House should not make it necessary to depart from the salutary practice of not bringing in the correspondence which passed between the Government of India and the local Government which must be treated as confidential. However, I will read the letter from the Government of India. It is dated 15th August 1927 and the subject "Bombay University Bill." It reads as follows:—

"With reference to the correspondence ending with your telegram No. 369P, dated the 28th July 1927, I am directed to state that, in the opinion of the Government of India, the Bombay University Bill, forwarded with your letter No. 2310, dated the 21st July 1927, is open to objection in two respects:—

(i) The Bill departs from the precedent followed in all recent Acts constituting or reconstituting a University in omitting provision making the Governor General the Visitor of the University.

(ii) The effect of clauses 24,...."

[I will read that as well because that was referred to in the select committee report] and also by the Honourable Minister.

"31 (2) (k) and 33 (e) is to vest in the University full powers to constitute a School Leaving Examination Board and to regulate the conduct of the School Leaving Examination. If these provisions were enacted it would be the University which would control the policy of Secondary Education in the Presidency while, in the opinion of the Government of India, it is vital to maintain the principle that such control is the function of the Local Government and not of the University. In the opinion of the Government of India, therefore, these provisions should be omitted from the Bill and one of the following three courses adopted:—

(a) The Local Government should conduct a separate School Leaving Examination ;  
(b) The Local Government should enter into an agreement with the University for the constitution of a Joint Board to conduct a joint examination ;

(c) The Local Government should accept the Matriculation Examination of the University as the equivalent of the School Leaving Examination for such purposes as the Local Government may decide.

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It would be for the Local Government to consider whether the alternative selected would require the enactment of statutory provision either in this Bill or by separate legislation.

2. The Government of India realise that the features of the Bill to which they have directed attention are not relevant to the only provision in the Bill which gives rise to the requirement of previous sanction by the Governor General, namely, the repeal of the Bombay University Act, 1857, and they have therefore despite the objections they have mentioned, not thought fit to recommend to His Excellency the Governor General to withhold the sanction in question, which is hereby conveyed. I am, however, to emphasize the importance which the Government of India attach to the objections in question and to express the hope that every endeavour will be made to secure the amendment of the Bill by

(i) the insertion of provision making the Governor General the Visitor of the University—cf. section 7 of the Madras University Act, 1923; and

(ii) the omission of clauses 24, 31 (2) (k) and 33 (e).

3. The Government of India reserve full liberty of action in regard to the recommendation which they would submit to the Governor General in the matter of assent should the Bill be passed in its existing form, and they desire to suggest for the consideration of His Excellency the Governor that, inasmuch as the Bill contains provisions regulating the constitution and functions of a University, which neither require nor have received the previous sanction of the Governor General, clause (b) in rule 2 of the Reservation of Bills Rules, as amended by Notification No. 142, dated the 8th December 1921, will render it necessary for His Excellency to reserve the Bill, in whatever form it may be passed, for the consideration of the Governor General."

[Sir, the reference in the last paragraph of the Government of India letter is to the] rule regarding previous sanction on page 140 in which it is stated that

"A local legislature may not repeal or alter without the previous sanction of the Governor General"

[and to the Reservation of Bills rules section 2 which says:]

"The Governor of any Governor's province shall reserve for the consideration of the Governor General any Bill, which has been passed by the Legislative Council of the province and is presented to the Governor for his assent, if the Bill appears to the Governor to contain provisions in respect of which the Bill has not been previously sanctioned by the Governor General under sub-section (3) of section 80-A of the Government of India Act.

\* \* \* \*

(b) regulating the constitution or function of any University....."

Under these provisions of the law the Government of India have sent us these suggestions.

\*The Honourable the PRESIDENT: The House is in full possession of the facts now and we shall resume the discussion of the subject, to-morrow. As there is another point of order, I understand from the Honourable Leader that the first sanction under section 80A for the launching of the bill was asked for and given in proper time.

The Honourable Sir CHUNILAL MEHTA: The letter says that sanction is hereby conveyed.

The Honourable the PRESIDENT: Therefore the point of order does not arise.

Khan Sahab ABDUL LATIF HAJI HAJRAT KHAN: We would like to meet to-morrow from 10 to 2 o'clock.

The Honourable Sir CHUNILAL MEHTA: Sir, several honourable members have suggested to me that on Saturdays they desire whenever it is possible for them to do so to have an opportunity of going back to their own places, whether we meet in Poona or Bombay. It is therefore suggested that we should sit at an earlier hour say from 10 or 10·30 on Saturdays. We realise that it means a loss of Government time to-morrow. Ordinarily we sit for 4½ hours, and if the time fixed is from 10 to 2, we

[Sir Chunilal Mehta]

shall lose half an hour, and if the time fixed is from 10-30 to 2, we shall lose one hour. But to meet the convenience of several honourable members, we, Sir, shall not raise any objection on our side if there is a desire on the part of the House that we should as a rule meet early on Saturdays.

The Honourable the PRESIDENT: I understand that that is the general consensus of the House. I should like those honourable members who are against the proposal of 10-30 to 2 to stand in their places. (A few members stood up accordingly.) I think the general consensus of opinion of the House is that we should meet from 10-30 to 2 every Saturday. The House is now adjourned to 10-30 a.m. to-morrow, Saturday, the 1st of October 1927.

*Saturday, the 1st October 1927*

The Council re-assembled at the Council Hall, Poona, at 10-30 a.m. on Saturday, the 1st October 1927, the Honourable the President, Mr. A. M. K. Dehlavi, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DASTUR, Khan Bahadur F. M.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 DUGUID, Mr. A.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HAMILL, Mr. H.  
 HATCH, Mr. G. W.  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHangIR, the Honourable Sir COWASJI  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.

KARKI, Mr. M. D.  
 KHUHRO, Mr. M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LIGADE, Mr. S. P.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

#### FOREST LANDS, NASIK : APPLICATIONS OF MAHARS

Dr. B. R. AMBEDKAR : Will Government be pleased to state—  
 (a) whether they are aware that the Mahars of the village of Pimplad  
 in taluka Nasik had applied to the Collector for forest land ;



(b) whether they had asked for survey number 220 in the village of Pimplad ;

(c) whether, that being refused, they had asked for survey number 202 in the village of Rajur Bahula ;

(d) whether, that being refused, they had asked for survey number 71 in the village of Rajur Bahula ;

(e) whether it is a fact that even this last application has been rejected ;

(f) the reasons for this persistent refusal to consider favourably the application of these Mahars ?

The Honourable Mr. G. B. PRADHAN : (a), (b), (c), (d) and (e) Yes.

(f) (1) Survey No. 220 of Pimplad could not be given out to the Mahars as it had already been granted to another individual.

(2) Survey No. 202 of Rajur is pasture forest in charge of the Revenue Department. It is sold annually for grazing to the villagers, and it cannot be granted for any other purpose, as the remaining grazing area available in the village is not sufficient for their requirements.

(3) For the same reason survey No. 71 of Rajur Bahula which is assigned for Kuran (grazing ground) could not be granted to the Mahars.

I may add that 11 survey numbers of Pimplad and Rajur-Bahula comprising of nearly 200 acres of land were the only lands available for being given out for cultivation. They were therefore put to sale at an upset price 12 times the assessment and it was ordered that none but the Mahars, Bhils and Kolis should bid. The condition was imposed specially to exclude unfair competition by moneyed people. The papers of the sale recently sanctioned show that two Kolis and three Mahars of Pimplad and one Koli and three Mahars of Rajur-Bahula are the purchasers.

Mr. B. V. JADHAV : On a point of order, Sir. Is the reply which the Honourable the Minister is reading intended only for the information of the honourable member putting the question or is it meant for the information of the whole House ? We have not been able to hear a word of what he has been reading out.

The Honourable the PRESIDENT : If the Honourable the Minister stood abreast of those on this side, the whole House would be able to hear him.

The Honourable Mr. G. B. PRADHAN : I will make further enquiries but the information that I have received is that only 200 acres were available for free distribution.

#### SUICIDES AND INSOLVENCIES

Mr. R. S. ASAVALE (Bombay City, North) : Will Government be pleased to state :—

(a) (1) the number of persons  
who committed suicide,

or

(2) took the benefit of the  
Insolvency Act,

on account of the loss of money  
separately in the City of Bombay,  
Poona and Karachi, during the  
last six years ;

(b) how many of them committed suicide on account of losing money in—

(1) speculation in shares, bullion, cotton, grains and such other commodities ;

(2) gambling in cards ;

(3) horse racing ;

(c) how many of them became insolvents on account of losing money in—

(1) speculation in shares, bullion, cotton, grains, and such other commodities ;

(2) horse racing ?

The Honourable Mr. J. L. RIEU : The available information is given in the following tabular form :—

	Bombay	Poona	Karachi
(a) (1)	31	1	Nil.
(2)	This information is not available. Statistics are not kept of the causes to which insolvents attribute their insolvencies.		
(b) (1)	11	..	..
(2)	1	..	..
(3)	6	1	..
(c)	Vide reply to (a) (2) above.		

#### BOMBAY PROSTITUTION ACT : PROSECUTIONS

Mr. R. S. ASAVALE (Bombay City, North) : Will Government be pleased to state—

(a) the total number of persons prosecuted under the Prostitution Act of Bombay ;

(b) the number of persons penalised for living on the earnings of prostitutes ;

(c) the number of persons penalised for procuring and importing women for the purpose of prostitution ;

(d) how many of them were sent to jail and how many of them were only fined ?

The Honourable Mr. J. L. RIEU :

(a)	Karachi .. 24	Hyderabad .. 7	Ahmedabad ..	Belgaum ..	Bombay Suburban District. }	0
(b)	.. 16	.. 3	..	..	..	0
(c)	.. 8	.. 0	..	..	..	0

(d) In Karachi of the 24 persons prosecuted, 12 were sent to jail and 6 were released after conviction under section 562 of the Code of Criminal Procedure. As one of the accused was sentenced to death for murder the case against him under the Bombay Prevention of Prostitution Act was withdrawn. Cases against five persons are reported to be still pending.

At Hyderabad of the three persons mentioned in (b), one was sent to jail and two were fined. Information as to the remainder of the cases mentioned in (a) is not available.

Information for the other places in which the Act is in force was given during the last session.

**STRIKE : SWADESHI SPINNING MILLS, KURLA**

Mr. R. S. ASVALE (Bombay City, North) : Will Government be pleased to state—

- (a) whether they are aware of the fact that the workers of the Swadeshi Spinning Mills at Kurla have struck work ;
- (b) if so, what was the cause ;
- (c) how long the strike lasted ?

The Honourable Sir COWASJI JEHangIR : (a) Yes. The strike is now over.

(b) The mill was closed on the 10th July on account of a Hindu Holiday. One hundred and twenty-four workers absented themselves from work without permission for two days in continuation of the holiday and resumed work only on the 13th. The Management therefore fined them Re. 1 each. As a protest against this fine, 191 workers struck work. The workers also complained about the quality of cotton used which affected spinning efficiency.

(c) From 14th to 23rd July 1927.

**STRIKE : SWADESHI SPINNING MILLS, KURLA**

Mr. R. S. ASVALE (Bombay City, North) : Will Government be pleased to state :—

- (a) whether they had taken any steps in connection with the strike at the Swadeshi Spinning Mills at Kurla ;
- (b) if not, why not ?

The Honourable Sir COWASJI JEHangIR : (a) No.

(b) Because they saw no reason for interference of any sort.

**SIR SASSOON DAVID TRUST FUND : MISAPPROPRIATION**

Mr. P. R. CHIKODI (Belgaum District) : Will Government be pleased to state—

(a) whether the amount of Rs. 87,000 from The Sir Sassoon David Trust Fund was misappropriated in one lump sum or in a series of small sums ;

(b) if the misappropriation has been in a series of small sums, what those sums are, and what the dates are on which they were misappropriated ;

(c) when, as the Government have stated, the Superintendent who misappropriated the amount was in charge of clerical work, how did it happen that he got access to the amount or got opportunities to misappropriate it ;

(d) when, and how and by whom the misappropriation was detected ;

(e) when was the departmental inquiry made—before or after the Superintendent had absconded ;

(f) what is the name and official designation of the officer who made the departmental inquiry ;

(g) whether they will be pleased to place on the Council table the report of the departmental inquiry ;

(h) what action have Government taken on this report, and will they be pleased to place their orders in this connection on the Council table ;

(i) who is the disbursing authority in the administration of this Fund, and who signs the cheques ;

(j) what is the total amount administered by the Board of Trustees ; whether its accounts are maintained regularly ; whether they are audited and inspected every year ; by whom they are audited and inspected ; and was any misappropriation detected during these audits and inspections ;

(k) whether any reporters or representatives of the newspapers in Bombay inquired in the Secretariat Office concerned to get the correct information about this incident of misappropriation after the news about it was published in the Press, and if so, is it a fact that they were informed that nothing of the kind had happened ?

The Honourable Mr. G. B. PRADHAN : (a) and (b) The details of the total amount misappropriated, viz., Rs. 87,097-14-0, are given below :—

Amount			Month and year of encashment of the interest payment orders	
Rs.	a.	p.		
11,128	5	6	September	1920
14,578	11	8	February	1921
16,723	4	2	October	1921
15,756	8	3	May	1923
14,761	13	0	March	1924
14,149	3	5	April	1925
87,097	14	0		

(c) The interest payment orders received from the Treasurer of Charitable Endowments and signed by the Chairman of the Board of Trustees were to be taken to the Imperial Bank of India with covering letters signed by the Chairman requesting the Bank to credit the amounts to the account of The Sir Sassoon David Trust Fund. It appears that the letters to the Bank were destroyed and the interest payment orders were cashed. In all these cases the orders were not crossed and the Bank treated them as "bearer" cheques and paid the amount to the person presenting them.

(d) It was decided by the Trustees that a Press Note should be issued containing a brief description of the objects of the Fund and summarising the work already accomplished by it. Before it could be compiled the Superintendent dealing with the subject proceeded on leave in the middle of October 1925 owing to sudden illness. The work was then entrusted to another member of the establishment of the Revenue Department. In order to compile materials for the Press Note it was necessary to prepare a statement showing the receipts and expenditure of the Fund from its inception. It was then noticed that for certain half-yearly periods the interest had not been credited to the current account of the Trust with the Imperial Bank.

(e) As soon as the fraud was detected the Chairman called a meeting of the Trustees on 10th December 1925 and placed the facts before them. The Trustees then decided that steps should be taken to prosecute the Superintendent. A formal complaint was immediately lodged with the Bombay City Police : but they reported that the Superintendent had absconded. In view of the action taken by the Trustees, no departmental enquiry on the part of Government was found necessary.

(f), (g) and (h) Do not arise.

(i) The Chairman of the Board of Trustees.

(j) The Trust funds consist of Calcutta Port Trust 4 per cent. Sterling Bonds of the face value of £ 53,400 vested in the Treasurer of Charitable Endowments, Bombay. The Trust Scheme, as sanctioned by the Government of Bombay, provides that the interest on the capital sum shall be utilised by the Trustees in giving grants-in-aid for agricultural and educational purposes. Prior to the detection of the fraud the Trust accounts were not subjected to audit. They are now audited every year by the Outside Audit Staff of the Accountant General's office. No misappropriation has been detected during these audits.

(k) No.

Mr. P. R. CHIKODI : During the last session it was stated that a departmental enquiry had been held, whereas in the present reply it is stated that no departmental enquiry was found necessary. How do these two contradictory replies square up with each other ?

The Honourable Mr. G. B. PRADHAN : It was not stated in the last session that a departmental enquiry was held.

Mr. P. R. CHIKODI : The Honourable Minister seems to be wrong. I remember that a question was particularly put whether there was any one else besides the Superintendent who was involved in this matter and the House was told that a departmental enquiry was made and that no one except the Superintendent was involved.

The Honourable Mr. G. B. PRADHAN : Will the honourable member kindly point out the proceedings of the Council in which it was stated that a departmental enquiry was held ? Immediately the misappropriation was detected, a complaint was lodged with the police and the police investigated the matter.

#### REVENUE DEPARTMENT : MISAPPROPRIATION

Mr. P. R. CHIKODI (Belgaum District) : In view of the admission by them that the Superintendent who has misappropriated Rs. 87,000 has also committed a fraud of about Rs. 2,00,000, will Government be pleased to state (a) whether this amount of Rs. 2,00,000 belongs to Government or to The Sir Sassoon David Trust Fund ; (b) when was this fraud detected ; (c) whether it was committed in respect of one lump sum or of a series of smaller sums ; (d) what are those sums and the dates of the acts of fraud ; (e) was this fraud inquired into and, if so, what is the result of that inquiry ; (f) by whom was the inquiry made

and will Government be pleased to place on the Council table the report of the inquiry ?

The Honourable Mr. G. B. PRADHAN : The total amount misappropriated by the Superintendent was Rs. 87,097-14-0. No other misappropriation has come to light. In reply to Mr. Marzban's supplementary question on the subject it was stated that the article appearing in the *Indian National Herald* had reference to the person who had misappropriated Rs. 87,000. It was not intended thereby to convey that the Superintendent was responsible for the misappropriation of Rs. 2,00,000. No such misappropriation has in fact taken place.

PUBLIC HEALTH DEPARTMENT : VACANCIES IN THE OFFICE OF  
ASSISTANT DIRECTOR

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state, with reference to question No. 4 on page 13 of the First List of Questions in this Session, the number of vacancies in the office of the Assistant Director of Public Health, Central Registration District, both temporary and permanent, in the years 1925 and 1926 and the names and castes of persons who were appointed to fill them ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The attached statement \* furnishes the information asked for.

IRRIGATION OFF THE INDUS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that the Punjab Government has new schemes of irrigation under consideration which are regarded as likely to affect the quantity of water available in the Indus for irrigation in Sind ;

(b) if the reply be in the affirmative, will Government explain in brief what those schemes are ;

(c) what steps have been or are being taken by Government to see that the interests of this Presidency do not suffer ?

The Honourable Sir COWASJI JEHANGIR : (a) Yes.

(b) The Thal Canal Lesser Project (1925) ; the canal to take off from the Indus at Kalabagh and to irrigate the Western and South-Western parts of the Sind Sagar Doab ; kharif discharge 6,355 cusecs and rabi discharge 3,085 cusecs.

(c) The Government of Bombay have refused to agree to the construction of the project and the matter is now under the consideration of the Government of India.

PROVINCIAL SERVICES : RECRUITMENT RULES

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased—

(a) to state whether they have completed the framing of rules as to recruitment, method of selection, pay, etc., of officers in the

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\* Kept in the Secretary's Office.

provincialised services referred to in reply to question put by the Honourable Member Mr. V. N. Jog at the July Session of the Council ;

(b) to place a copy of those rules on the Council table if and when framed ?

The Honourable Sir CHUNILAL MEHTA : The preparation of the rules is in progress.

#### ILLICIT DISTILLATION

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state the number of cases of illicit distillation during each of the last five years in each taluka of every district in the whole Presidency ?

The Honourable Mr. G. B. PRADHAN : The Honourable Member is referred to Appendix J to the Excise Administration Reports for the Presidency proper and Sind for the years 1921-22 to 1925-26 which furnishes the information required by districts. The collection of the information by talukas for all the districts of the Presidency would involve a considerable amount of labour. It is therefore suggested to the Honourable Member that he should select one or more districts only, when the information in regard to them will be obtained.

#### MUNICIPAL SCHOOL : MIRPURKHAS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the total number of boys at the Mirpurkhas Municipal School ;

(b) the number of students whose parents belong to and reside in other districts ;

(c) the cost to Government of educating each boy at the Municipal School ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a), (b) and (c) The accompanying statement gives the information required in regard to both the Boys' Primary School and the Anglo-Vernacular School maintained by the Municipality.

#### Statement

Boys' Primary School	Anglo-Vernacular School
(a) 200.	(a) 89.
(b) 76.	(b) 10.
(c) Rs. 10-1-1 per annum.	(c) Rs. 11-6-0 per annum.

#### RAILWAY POLICE, SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state the number of Inspectors, Sub-Inspectors, Head Constables and Constables belonging to Hindu, Muhammadan and European communities (separately) in the Railway Police in Sind ?

The Honourable Mr. J. L. RIEU : A statement containing the required information is placed on the Council table.

*Statement*

Sanctioned strength of the Railway Police	No.	Hindus	Muham- madans	Europeans	Vacancies
Inspectors ..	3	<i>Nil</i>	1	2	<i>Nil</i>
Sub-Inspectors ..	12	<i>Nil</i>	12	..	..
Head Constables—					
Permanent 56 ..	61	7	53	..	1
Temporary 5 ..					
Constables—					
Permanent 245 ..	264	34	230	..	..
Temporary 19 ..					

JAMRAO CANAL : MODULES

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) in which year modules were constructed on the Jamrao canal and by which Executive Engineer were they constructed ;

(b) whether that Engineer has submitted a report to Government on the working of the modules ;

(c) whether it is a fact that the above Engineer constructed these modules on the assumption that they would not need to be reduced ;

(d) whether any of these modules were reduced during the time of the abovementioned Engineer ;

(e) whether any of these modules have been reduced since the departure of that Engineer ;

(f) if the answer to (e) be in the affirmative, the names of the *dehs*, the modules of the outlet within which have been thus reduced ?

The Honourable Sir COWASJI JEHangIR : (a) In 1923—by Messrs. Kirkpatrick and Lewis.

(b) A note on the design, etc., of the Jamrao type modules was published as Technical Paper No. 12. A copy of this Paper is placed on the Council table.\*

(c) No.

(d) No.

(e) In the Northern Division, Jamrao Canal, no modules have been reduced due to faulty design. In certain cases necessary alteration and adjustment have become necessary in order to ensure each outlet getting its due share according to the area dependent on it. Cases for adjustment are—

(1) transfer of land from one outlet to another ;

(2) splitting up of one outlet into two ;

(3) lands becoming unfit for cultivation.

In the Southern Division, Jamrao Canal, previous to a whole minor being moduled certain outlets were moduled. At a later date to conform with

\* kept in the Secretary's Office.



the general module design of a particular minor those previously moduled outlets were adjusted to ensure that each outlet received its correct discharge.

(f) Does not arise.

Mr. JAIRAMDAS DOULATRAM: With reference to the reply to (e) what Government mean is that the reduction was not due to any faulty design but due to the three causes enumerated. It means that there was reduction as the result of those three causes. Then, in clause (f) I have asked for the names of the *dehs*, the modules of the outlet within which have been thus reduced. What is the Government's reply to that?

The Honourable Sir COWASJI JEHangIR: I think the honourable member is right. I will try and get the information at a later date.

#### SCHOOL BOARDS, SIND: INSPECTING OFFICERS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the grade to which each Administrative Officer appointed by the district local boards in Sind belonged when he was taken up by the board;

(b) the salary drawn by him before such appointment and the salary drawn by him now;

(c) whether it is a fact that Government have decided to appoint their own Inspecting Officers to supervise the work done by the Administrative Officers and to see that the school boards discharge properly the obligation imposed upon them by law;

(d) the grades to which these Inspecting Officers will belong and the salaries to be drawn by them;

(e) whether it is a fact that all School Board Administrative Officers are in the grade of Deputy Educational Inspectors of Provincial cadre drawing Rs. 250—20—550—efficiency bar 650—30—800, whereas the Government Inspecting Officers will not belong to the Provincial cadre of the Bombay Educational Service and will draw Rs. 80—5—140—10—200 with 15 per cent. of selection grade posts of Rs. 200—10—250;

(f) whether it is a fact that under the above arrangement officers of lower grade and pay will be expected to supervise the work of men of higher grade and pay;

(g) whether it is a fact that many of these appointed or to be appointed as Government Inspecting Officers will be persons who have worked as subordinates to the present Administrative Officers of the boards;

(h) whether it is a fact that the above arrangement has been criticised on the ground that the Inspecting Officers will not be able to supervise the work of the school boards properly and that the Administrative Officers will not be easily amenable to the control of the Inspecting Officers?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) [and (b) The accompanying statement gives the information required.]

(c) to (h) These parts have already been answered.

No.	Name of District	Name of School Board Administrative Officer	Pay and grade before appointment as School Board Administrative Officer	Pay and grade as School Board Administrative Officer	Remarks
1	Karachi	Mr. Abdul Haq A b d u l l a h Shaikh.	490* Rs. 250—20—550	490* Rs. 250—20—550 (provisional)	*On 1st March 1927.
2	Hyderabad	Mr. M.S. Memon.	Substantive pay Rs. 190 Rs. 70—200 Officiating pay Rs. 240.	Rs. 270 Rs. 250—20—550 (provisional).	
3	Nawabshah.	Mr. K. L. Hingorani.	Substantive pay Rs. 250 + 30 Duty allowance. Rs. 200—10—250 Officiating pay Rs. 300 per mensem.	Rs. 370 Rs. 250—20—550 (provisional).	
4	Thar and Parkar.	Control not	taken over so far.		
5	Sukkur	Mr. M. I. Sumra.	Rs. 530† Rs. 250—20—550	Rs. 530 Rs. 250—20—550 (provisional).	†On 24th December 1926 (date of appointment as School Board Administrative Officer)
6	Upper Sind Frontier.	Mr. A. G. Kazl.	Substantive pay Rs. 170 + Rs. 30 Duty allowance 70—200 Officiating pay Rs. 220.	Rs. 200‡ (provisional).	‡No scale has been fixed.
7	Larkana	Mr. G. N. Kazl.	Rs. 410 Rs. 250—20—650	Rs. 410§ Rs. 250—20—650 (provisional).	§On 21st February 1927 (date of appointment as School Board Administrative Officer).

#### GOVERNMENT SERVANTS : KHADDAR

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City): Will Government be pleased—

(a) to state whether they have issued a confidential circular prohibiting Government servants from wearing Khaddar, and becoming members of or subscribers to the Khadi Associations;

(b) if so, to place the same on the Council table;

(c) if the answer to (a) is in the affirmative, to give the reasons for issuing such orders?

The Honourable Sir CHUNILAL MEHTA: (a), (b) and (c) The answer is in the negative.

#### BOMBAY PORT TRUST : ASSISTANT MANAGERS AND LABOUR SUPERINTENDENTS

Mr. K. M. MUNSHI (Bombay University): Will Government be pleased to state—

(a) the number of Assistant Managers and Labour Superintendents employed in the Dock Department of the Bombay Port Trust in the

year 1913 with their minimum and maximum salaries and the number of Assistant Managers and Labour Superintendents employed in the year 1927 with their salaries and allowances ;

(b) whether the trustees intend maintaining these posts of Sectional Assistant Managers who merely do the work of forwarding clerks ?

The Honourable Sir COWASJI JEHangIR :

(a)

*Docks*

1913	1927
2 Senior Assistant Superintendents on Rs. 250—5—275 <i>plus</i> H. R. Rs. 75.	3 1st Grade Assistant Managers on Rs. 500—40—740 <i>plus</i> M. O. H. A. Rs. 100.
4 Junior Assistant Superintendents on Rs. 175—10—225 <i>plus</i> H. R. Rs. 75.	5 2nd Grade Assistant Managers on Rs. 325—25—450 <i>plus</i> M. O. H. A. Rs. 75.
	3 3rd Grade Assistant Managers on Rs. 225—20—325 <i>plus</i> M. O. H. A. Rs. 50.

11

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*Duty Paid Warehouses*

1913	1927
1 Superintendent on Rs. 400—20—500.	1 1st Grade Assistant Manager on Rs. 500—40—740 <i>plus</i> M. O. H. A. Rs. 100.
1 1st Assistant Superintendent on Rs. 275—10—325.	1 2nd Grade Assistant Manager on Rs. 325—25—450 <i>plus</i> M. O. H. A. Rs. 75.
1 2nd Assistant Superintendent on Rs. 175—10—225.	
3	2

*Hamallage*

1 Deputy Labour Superintendent on Rs. 300—20—400 <i>plus</i> H. R. Rs. 75.	1 1st Grade Assistant Manager on Rs. 500—40—740 <i>plus</i> M. O. H. A. Rs. 100.
2 Assistant Labour Superintendents on Rs. 175—10—225.	*4 Labour Superintendents on Rs. 225—20—325 <i>plus</i> M. O. H. A. Rs. 50.
1 Assistant Labour Superintendent on Rs. 150—5—175.	
4	5

\* One post has since been recommended to be abolished and has therefore not been included in this number.

(b) The Trustees do not intend to discontinue the posts of Assistant Managers who hold important executive posts. The statement that the Sectional Assistant Managers merely do the work of forwarding clerks is incorrect.

## BOMBAY PORT TRUST : RESIDENCE FOR PETTY OFFICER

Mr. K. M. MUNSHI (Bombay University): Will Government be pleased to state—

(a) whether it is a fact that a petty official of the Bombay Port Trust controlling the import and export cargo of the Merchants is allowed to reside within the docks near his own section from March 1927 ;

(b) if so, whether the trustees intend allowing this officer to reside in the present premises permanently ?

The Honourable Sir COWASJI JEHangIR : (a) The building near the Red Gate of Alexandra Dock being unsuitable for an office owing to its inadequate size the Trustees have converted it into two sets of quarters for their junior officers. One set is now occupied by an Assistant Manager and the other by a Chief Inspector. As these officers are liable for duty at night, it is an advantage that they should reside near their work.

(b) Yes.

## BOMBAY PORT TRUST : ASSISTANT SHED SUPERINTENDENTS

Mr. K. M. MUNSHI (Bombay University): Will Government be pleased to state—

(a) whether it is a fact that five Anglo-Indian lads (outsiders) were straightway made permanent as Assistant Shed Superintendents in the Dock Department of the Bombay Port Trust in supersession of 150 senior clerks of 15 to 25 years' service ;

(b) if so, what the reasons were for ignoring the right of so many senior clerks ?

The Honourable Sir COWASJI JEHangIR : (a) Thirteen men were specially recruited from outside and were given accelerated promotion by appointment to the position of Assistant Shed Superintendents after a period of satisfactory probation. Of these, 7 are Indians and 6 are Anglo-Indians.

(b) Recruitment from outside the docks staff is necessary from time to time in order to secure the status and educational qualifications necessary to fill the higher subordinate posts satisfactorily. As far as possible, however, having regard to their qualifications and knowledge, promotions are made from the existing staff.

## MR. BRISTOW, I.C.S. : ATTENDANCE AT PRIVATE PARTY

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether it is a fact that Mr. Hiranman Narayan Shindore, a bench magistrate at Nasik, gave a party in honour of Mr. C. H. Bristow, I.C.S., in May or June 1927 ;

(b) whether Mr. Bristow accepted the invitation to the party and attended it ;

(c) whether it is a fact that on the day of the party a criminal complaint made against Mr. Shindore by Mr. Gopal Rakhmaji Junnare was pending in the court of the sub-divisional magistrate, Prant Malegaon, District Nasik, and that Mr. Bristow was a witness for the prosecution in that complaint ;

(d) whether the conduct of Mr. Bristow in attending the party is not inconsistent with the orders or instructions of Government on the subject of Government officers attending parties given by private individuals ;

(e) whether they have considered the desirability of issuing instructions to the effect that high Government officers should not agree to attend parties proposed to be given in their honour by private individuals on their transfer or going on leave, particularly in such circumstances as are mentioned in (c) above ?

Honourable Mr. J. L. RIEU : (a) Yes, in May 1927.

(b) Yes.

(c) Yes : but Mr. Bristow had given evidence for the prosecution prior to his attending the entertainment.

(d) No.

(e) Mr. Bristow had accepted the invitation to the entertainment before the events leading to the criminal proceedings in question occurred, and the fact that before the entertainment took place he had given evidence adverse to Mr. Shindore was no reason for his modifying his acceptance.

Mr. R. G. PRADHAN : How long before the date on which the party was held had Mr. Bristow accepted the invitation ?

The Honourable Mr. J. L. RIEU : I am unable to say.

Mr. R. G. PRADHAN : Were not the proceedings pending on the day on which Mr. Bristow attended the party ?

The Honourable Mr. J. L. RIEU : That is stated in the reply.

Rao Saheb R. V. VANDEKAR : May I know whether the honourable member was invited for the party ?

Mr. R. G. PRADHAN : I would certainly have refused the invitation if it had been given to me.

#### CIVIL LIST : ANNUAL PUBLICATION

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state what decision they have arrived at regarding the publication of the Civil List only once a year ?

The Honourable Sir COWASJI JEHangIR : It has been decided to publish the Bombay Civil List in four issues as at present.

Mr. HOSENALLY M. RAHIMTOOLA : Will Government be pleased to state the reasons for coming to the decision ?

The Honourable Sir COWASJI JEHangIR : The honourable member knows that originally there were four issues. It has now been decided that the first issue should contain all the information that

is usually contained in the Civil List. The next three issues will not contain all that information, but will just contain the necessary information which usually requires correction.

MOULVI RAFIUDDIN AHMAD : Cannot that be done by corrected slips ?

The Honourable Sir COWASJI JEHangIR : No.

#### POLICE SYSTEM : BOMBAY CITY

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state what decision they have arrived at regarding the system of patrol and stand post policemen in the City of Bombay ?

The Honourable Mr. J. L. RIEU : Government have accorded administrative approval to the scheme for the introduction of combined patrol and fixed posts in Bombay City, but the scheme cannot be put into force until provision for the additional expenditure involved has been passed by the Legislative Council.

Mr. HOOSENALLY M. RAHIMTOOLA : May I know when Government propose to place the proposals before the Legislative Council ?

The Honourable Mr. J. L. RIEU : It is impossible to fix the date ; it depends on the existence of funds.

Mr. HOOSENALLY M. RAHIMTOOLA : Will they be able to do it at the next budget ?

The Honourable Mr. J. L. RIEU : I cannot say.

Mr. P. J. MARZBAN : Is the patrol system not at all in existence just now in Bombay city ?

The Honourable Mr. J. L. RIEU : There is a patrol system at present in force.

Mr. P. J. MARZBAN : What am I to understand from the Government reply that the scheme cannot be put into force until provision for the additional expenditure involved has been passed by the Legislative Council ?

The Honourable Mr. J. L. RIEU : It is the additional expenditure involved in a combined system of patrol and fixed posts.

Mr. P. J. MARZBAN : Is not the combined system of patrol and fixed posts in vogue just now in the city of Bombay ?

The Honourable Mr. J. L. RIEU : I must ask for notice ; I am unable to reply.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : May I know what additional amount will be necessary ?

The Honourable Mr. J. L. RIEU : I am unable to say at present.

#### JUDICIAL AND LAW OFFICERS : MOSLEMS

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state (giving separate figures for the three

divisions (Northern, Central and Southern) of the Presidency, Sind and Bombay City)

(a) the number of posts of

- (1) Sessions Judges.
- (2) Additional Judges.
- (3) District Magistrates.
- (4) Government Pleaders.
- (5) Public Prosecutors.
- (6) Assistant Prosecutors.

(b) how many of each of the above posts in (a) are held by Moslems ?

The Honourable Mr. J. L. RIEU :

(a) and (b) A reference is requested to pages 87-89, 99-100, 173-178 and 224-228 of the Bombay Civil List of July 1927.

Mr. HOUSENALLY M. RAHIMTOOLA : Is the July Civil list supplied to members of the Legislative Council ?

The Honourable Mr. J. L. RIEU : The list must be in the Legislative Council Library.

#### SERVICE LAND : AMLI VILLAGE

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) whether there was a village servant by name Karia Dubar in the village of Amlī, taluka Pardi, district Surat ;

(b) whether he was in possession of service land, and, if so, how many years was this service land in possession of Karia Dubar and his ancestors ;

(c) whether this Karia died lately ;

(d) whether on his death his son showed his willingness to work as a village servant in place of his father ;

(e) whether this post of village servant was reduced by Government ;

(f) whether Government have refused to allow Naran Karia to retain this land on payment of full assessment ;

(g) whether in all other cases where village servants have been reduced the old servants and their descendants have been allowed to keep the service land on payment of full assessment ;

(h) what are the special reasons for treating this Naran Karia differently ;

(i) what is the policy of Government in such cases where village servants holding lands in their family since many many years are reduced ?

Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes. He was in possession of service vavla lands at Amlī. His name stands in the village records of 1904-05. It cannot be ascertained how long these lands were in his ancestors' possession as there are no records, previous to the Kaem Kharda of 1904-05 and the Record of Rights of 1905-06.

(c) Karia Dubar died on 27th December 1924.

(d) Yes. He had five sons and the third son, Nania Karia, expressed his willingness to serve.

(e) The post was kept vacant till the proposed revision of Vethias came into force.

(f) and (h) Yes. The Collector ordered these lands to be given out on Eksali lease on 19th June 1925, pending the introduction of the revision scheme, but as this scheme has since been dropped and as the scheme of 1910 has been fully applied to this village, steps are being taken to enter the name of the heir of the deceased Karia Dubar for the service, which he has expressed his willingness to undertake.

(g) Yes. This was generally done.

(i) The policy of Government is to secure efficient service together with adequacy of remuneration. The occupancy of the service inam lands belonging to these servants has not been unnecessarily disturbed anywhere.

#### LAND RENTS : HIRAPUR

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Talukdar of Hirapur, a village of Sanand Taluka of Ahmedabad District has leased that village to Hargovinddas Pandurao and Company who have fixed Rs. 5 and Re. 1-8-0 per Vigha as Vighoti for Kyari lands and other lands respectively ;

(b) whether the lessees Hargovinddas Pandurao and Company have sub-leased the said village to Koli Patel Ratu Megha of the same village ;

(c) if the answer to (b) is in the affirmative, whether any sanction of Government was asked for and taken by the two parties concerned for effecting the transaction of the sub-lease ;

(d) whether the sub-lessee Koli Patel Ratu Megha has served notices during the current year 1927 on the cultivators who are staying in that village for more than one hundred years to pay vighoti at the rate of Rs. 7-8 0 and Rs. 2-8-0 per vigha for Kyari lands and other lands respectively and to sign agreements of annual tenants-at-will on pain of wholesale eviction from their lands ;

(e) if the answer to (d) is in the affirmative, what steps Government have taken to stop the rackrenting of the cultivators of that village under the guise of leases and sub-leases ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) No, as the sanction of Government to the sub-lease was not necessary.

(d) Yes.

(e) It is not possible for Government to take any action. The matter solely concerns the lessee and his tenants, and Government have no legal powers of interference.

Mr. J. C. SWAMINARAYAN : Alienations under the Talukdari Act require the special permission of Government. Do not therefore leases and sub-leases require the previous permission of Government ?



The Honourable Mr. J. L. RIEU : These are not permanent alienations. They are only temporary leases from year to year for purposes of cultivation.

Mr. J. C. SWAMINARAYAN : The answer to (c) is that sub-leases do not require the sanction of Government. But do not leases in the first instance require the sanction of Government ?

The Honourable Mr. J. L. RIEU : Not such temporary tenancies.

Mr. J. C. SWAMINARAYAN : Are the talukdars at liberty to lease away their lands in any way they like, and allow the lessee to exact any amount of rent from the tenants ?

The Honourable Mr. J. L. RIEU : I presume the honourable member has in mind alienations. These are leases, for which no previous permission of Government is necessary.

Mr. J. C. SWAMINARAYAN : Under the guise of leases rents could be increased indefinitely. Why should not leases be controlled by Government ?

The Honourable Mr. J. L. RIEU : Government can control alienations only.

#### AHMEDABAD MUNICIPALITY : EXTENSION OF TERM

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether they extended the life of the Ahmedabad municipality by issuing an order under section 24 (1) (a) of the Bombay City Municipalities Act, XVIII of 1925, as amended by Act I of 1927 ;

(b) whether the said section 24 (1) (a) provided that an order of extension was to be made “ subject to the other provisions of the Act ” as mentioned in the same section ;

(c) if the answer to (b) is in the affirmative, the reasons why Government did not observe the other provisions of the Act XVIII of 1925 which required invitation and consideration of objections from the voters entitled to vote at the municipal borough of Ahmedabad ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) The procedure for extending the term of office of councillors elected or nominated under the Bombay District Municipal Act, 1901, is expressly laid down in proviso (a) to sub-section (1) of section 24 of the Bombay City Municipalities Act, 1925, as amended by Bombay Act I of 1927, and there is no other section of the Act prescribing this procedure. The words “ subject to the other provisions of this Act ” must, therefore, be construed as referring to matters other than extension of the term of office of any such councillors.

(c) The provision referred to in the reply to (b) above does not require that before extending the term of office of any councillors therein referred to Government shall invite and consider objections.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Bombay City Municipalities Act, XVIII of 1925, provides that an order of extension of life of a municipal borough made by Government shall contain the reasons for which the said order was made ;

(b) if so, whether Government regarded the only ground of inconvenience mentioned in the order, extending the life of the municipal board of Ahmedabad for a further period of four months till 15th October 1927 as sufficiently valid and strong ;

(c) the nature of the inconvenience which necessitated the issue of an order under an exceptional section of the Act, intended to be used to overcome a special technical difficulty which could not be obviated by ordinary provisions of that Act ?

The Honourable Sir GHULAM HUSSAIN : (a) Bombay Act XVIII of 1925 makes such provision with regard to the extension of the term of office of councillors nominated or elected at a general election under that Act only *vide* section 25 of the Act.

(b) and (c) The attention of the Honourable Member is invited to the reply given to part (c) of his question no. 4, printed at page 31 of the Second List of Questions and Answers in the last session.

The grounds urged by the Municipality were in the opinion of Government sufficiently valid and strong enough to justify the grant of an extension.

#### PRECEDENCE WARRANT : MEMBERS OF THE LEGISLATIVE COUNCIL

Mr. SYED MUNAWAR : Will Government be pleased to state what is the position of members of the Legislative Council in the Warrant of Precedence and the Table of Precedence published in the Bombay Civil List ?

The Honourable Sir CHUNILAL MEHTA : Members of the legislative bodies including the Legislative Council have not been given places as such in either the Warrant or the Table of Precedence.

MOULVI RAFIUDDIN AHMAD : May I ask whether they had a place in the table of precedence before the reforms ?

The Honourable Sir CHUNILAL MEHTA : I suppose something similar happened as regards the deprivation of the title of "honourable."

MOULVI RAFIUDDIN AHMAD : May I ask what position do members of this Council occupy in official functions such as durbars ?

The Honourable Sir CHUNILAL MEHTA : I understand that the example of the position occupied by members of Parliament is followed. Members of Parliament do not have any special place either in the Warrant of Precedence.

MOULVI RAFIUDDIN AHMAD : They have always had none. On the contrary we had some position. In the reformed Council that position has been taken away.

The Honourable Sir CHUNILAL MEHTA : I explained that the additional members of the old Council used to possess the title of "honourable." That does not apply to-day.

MOULVI RAFIUDDIN AHMAD : Are we dishonourable ? (Laughter.)

Rao Saheb R. V. VANDEKAR : The members of the old Council had the privilege of private entry. Is that continued to-day ?

The Honourable Sir CHUNILAL MEHTA : I do not think that arises out of this question.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Are Government aware that the members of the Bombay municipal corporation have got a place in the Table of Precedence ?

The Honourable Sir CHUNILAL MEHTA : I cannot enlighten the honourable member on that question.

#### FISHERIES DEPARTMENT

Rao Bahadur S. T. KAMBLI on behalf of Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(a) what action they have taken to develop the Fisheries Department on the methods adopted by the Madras Government under the advice of Sir Frederick Nicholson ;

(b) whether any steps have been taken to teach the fishermen of our west coast the improved methods of preparing fish manure, fish guard and to develop fish oil industries as suggested by the Education Minister in 1925 ?

The Honourable Mr. G. B. PRADHAN : (a) and (b) In view of the financial situation it has not been found possible to take action in the direction indicated.

#### KARNATAK COOLIES AND ASSAM TEA PLANTERS

Mr. M. D. KARKI (Kanara District) : In view of his replies (b) and (c) to question No. 3 printed on page 35 of the first list of Questions and Answers in the second Session 1927, will the Honourable the Finance Member be pleased to state --

(a) the number of complaints received by Government that certain labourers were taken to Assam by misrepresentation and the names of persons from whom and the time when they were received ;

(b) whether any action was taken by them in that behalf ; if so, the nature of the action taken and the result thereunder ;

(c) whether they have even enquired that the coolies are treated by the planters strictly in conformity with the terms of the agreement entered into between them and their (planters') agent at Dharwar ;

(d) if no, why ?

The Honourable Sir CHUNILAL V. MEHTA : (a) Three :—

(1) From one Kanta bin Jetty and Honnappa bin Murkundy received on the 9th June 1925,

(2) From Nagu bin Kunta, Hanma Murkundi and Hamma Honnappa, received on the 21st August 1925, and

(3) From one Maruti Bhaguji Maratha received on the 14th November 1925.

(b) Government made local enquiries into the matter and afterwards asked the Government of Assam to make necessary inquiries in Assam and, if necessary, to compel the Tea Companies concerned to repatriate the labourers alleged to have been fraudulently recruited and unwilling to remain in Assam. The Assam Government reported, after enquiries, that the labourers made no complaints of illegal recruitment and maltreatment in the tea gardens, that they were earning good wages, seemed cheery, and of good physique, and that every effort was being made to make them comfortable and contented.

(c) Yes.

(d) Does not arise.

Mr. M. D. KARKI : May I know whether the result of the enquiry referred to in (b) has been communicated to the respective complainants ?

The Honourable Sir CHUNILAL MEHTA : I may inform the honourable member that the matter is still engaging the attention of this Government and communications are being made.

#### EDUCATIONAL GRANT-IN-AID CODE

Mr. W. S. MUKADAM on behalf of Mr. H. J. AMIN (Broach District) : Will Government be pleased to place a copy of the Grant-in-aid Code on the Council table ?

The Honourable Dewan Bahadur HARILAL D. DESAI : A copy of the Grant-in-aid Code, with schedules, will be found in the Reading Room for the honourable members of the Legislative Council.

#### RATNAGIRI HIGH SCHOOL : ADMISSIONS

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(a) the number of applicants for admission to the 5th, 6th and 7th standards in the Ratnagiri High School, respectively, in June 1927 ;

(b) the number of boys actually admitted in each of the three standards at that time ;

(c) whether it is a fact that the accommodation available in the High School is not sufficient for the admission even of boys who come from registered private schools in the town of Ratnagiri ;

(d) whether any managers of private schools had applied to the Educational Department for permission to open higher standards in their schools ;

(e) whether it is a fact that the permission asked for was refused ;

(f) if so, the reasons for the refusal ?

The Honourable Dewan Bahadur HARILAL D. DESAI :

(a) and (b)

				Number of applications for admission	Number of boys actually admitted
Standard V	..	..	..	24	24
Standard VI	..	..	..	5	5
Standard VII	..	..	..	12	10

(c) The accommodation available in the present building is adequate for the prescribed number of students. All boys coming from the registered private schools of the town were admitted into the High School.

(d) The Manager, New English School, Ratnagiri, had applied for permission to open standard V in his school.

(e) and (f) The permission was not granted because the school did not satisfy the conditions laid down in rule 2 of the Grant-in-aid Code.

Mr. B. R. NANAL : Will the Honourable the Minister of Education be pleased to state what he found wanting in the Ratnagiri New English School ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The conditions laid down in rule 2 of the Grant-in-aid Code.

Mr. B. R. NANAL : Am I to understand that all conditions are not observed ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Only some.

Mr. B. R. NANAL : Which are observed and which not ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I will require notice for that.

The Honourable the PRESIDENT : I expect all honourable members to be in their places particularly those who ask questions. Everyone knows when the Council sits and begins its proceedings.

### **BILL No. III OF 1927 (COTTON MARKETS BILL)**

The Honourable Mr. G. B. PRADHAN : I move, Sir, that Bill No. III of 1927 (A Bill to provide for the establishment

Third reading. and the better regulation of Cotton Markets in the Bombay Presidency) be read a third time.

Question proposed.

Mr. BALAK RAM : Sir, I move :

“ That clause 13A be numbered 14 and the subsequent clauses 14, 15, 16, 17, 18 be renumbered 15, 16, 17, 18, and 19 respectively.”

This is only a formal amendment. Day before yesterday, a new section 13A was inserted. It is more usual to number the sections consecutively. Therefore I have moved that amendment.

Question put and carried.

Mr. BALAK RAM : I have to move another formal amendment in connection with which my honourable friend Rao Bahadur Kale will have to be consulted. An amendment to clause 6 (4) was carried at the instance of the honourable member, and the following words were added :

“ For one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution in the form of a statutory motion of the said Council tabled at the next session.”

I would respectfully suggest to the honourable member that the phraseology is a little awkward. All that he wants can well be secured by

[Mr. Balak Ram]

using the word "motion" instead of the word "resolution." If my amendment is accepted, the added clause will read as follows :

"For one month previous to the next session thereof and shall be liable to be rescinded or modified by a motion of the said Council tabled at the next session."

This will eliminate all possible legal difficulties.

Rao Bahadur R. R. KALE : In the body of the Standing Order VIIIA the word "resolution" is used. In order to bring the amendment I moved within the ambit of that Standing Order I used that word.

The Honourable the PRESIDENT : The head note of that Standing Order is "Statutory Motions."

Mr. BALAK RAM : The word "motion" will serve all the purpose of the honourable member.

Mr. L. M. DESHPANDE : Sir, can this be done at this stage ?

The Honourable the PRESIDENT : I do not suppose there is any serious change made. A few words have been struck off and the word "motion" is substituted for the word "resolution."

Question put and carried.

Mr. BALAK RAM : Sir, a cross reference in the re-numbered clause 18 has to be altered. I move :

In the re-numbered clause 18, substitute the figure "17" for the figure "16" occurring in line 14.

Question put and carried.

The Honourable the PRESIDENT : The motion to be finally submitted to the House is that Bill No. III of 1927 (a Bill to provide for the establishment and the better regulation of Cotton Markets in the Bombay Presidency) be read a third time and passed.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT : Bill No. III of 1927 is read a third time and passed into law.

*(Further consideration of Bill No. XXI of 1927—Bombay University Bill—resumed.)*

Dr. M. K. DIXIT (Surat City) : Sir, I rise to support the amendment moved by my honourable friend Mr. Chikodi, namely, delete sub-clause (4) of clause 5. A similar amendment was submitted by me, but it was ruled out of order by your good self on the ground of being time-barred. As it appears from the agenda that there is only one member of this House who has submitted an amendment of this kind, it might be presumed that the amendment does not carry sufficient weight; and it is for this reason that I have submitted that I had also given notice of a similar amendment which was ruled out as time-barred and is not therefore before the House.

In the first place, it is a matter of gratification that some of the members of the Select Committee, one after another have made a very frank confession that they did not understand and did not realise the significance of the clauses that were introduced in the bill. If even at this late stage some members have been able to realise the significance and dangers of

[Dr. M. K. Dixit]

these clauses it is a matter of gratification to the House and a matter for congratulation for the members. Sir, of all the popular institutions which are governed by Acts, I think the University has been till now the only institution which has been enjoying the greatest amount of freedom as far as Government control goes. The executive had till now no legal control over the University, and the legislature was good enough to leave matters alone and did not allow the Government to put their foot in the sacred precincts of the University. But by the introduction of these clauses which are sought to be included in the bill, I am afraid Government are seeking to arrogate to themselves the powers of control which did not exist till now. If these clauses are accepted by this House I am afraid, it would be a sort of desecration of the sacredness of the University. In the first place, we are told that the appointment of the Viceroy as a Visitor of the University is more or less analogous with the appointment of His Majesty the King as Visitor of the several universities of the United Kingdom. But I assure the House that the powers that are given to His Majesty the King as the Visitor of the universities in the United Kingdom are certainly not those which are sought to be given to the Viceroy as Visitor of the Bombay University. To support this statement of mine, I will quote from the *University Year Book* :

“ Unlike those of most other countries, the Universities of the United Kingdom have been since their origin independent of State control.”

This is enough to show that though the King is appointed Visitor of the university he does not carry the same powers as are sought to be given under sub-clauses (4) and (5) of clause 5 to the Visitor of the Bombay University. We can easily see that these clauses give a sort of control to the Government, the executive, over the Senate. I do hope that members on this side of the House are anxious to guard in a close manner the privileges of the Senate and to ensure that the Senate will not be interfered with or dominated by any other power. To my mind these sub-clauses do nothing else but give a sort of control to Government over the University. I am inclined to agree to a very great extent with the honourable member Principal Hamill when he says that there is nothing wrong in having a Visitor of the University. I entirely agree with him so far, but the Visitor must have only visitorial powers, to visit, inspect and offer suggestions. My objection is not to the first three sub-clauses. The Visitor can inspect and point out defects, and the Senate also are usually bound to carry out the suggestions of the Visitor. But there may be occasions when the defects pointed out by the Viceroy, the Visitor, may be defects only from his standpoint but may not be defects from the standpoint of the Senate. In that case there will be a sort of clash between the Senate and the controlling authority, the Visitor. Therefore I object to sub-clauses (4) and (5) which give to the Viceroy not only visitorial powers but also a sort of dictatorial powers.

A reference was made by the honourable member the Moolana Moulvi Saheb to our asking Government for a grant. He said that as we are asking for a grant of three lakhs from Government we must give that sort of control to Government. In that connection he quoted the adage “beggars cannot be choosers.” My honourable

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friend from Ahmedabad Mr. Sheth made it clear that we are asking the Government to make this grant not as beggars but we ask them to do their duty. I do not think this House asks for that grant as beggars from the Government; but as what is due to the University from the state revenues.

MOULVI RAFIUDDIN AHMAD : May I make a personal explanation, Sir ? I am sorry to see that I was entirely misled by the Honourable the Minister both in the select committee and in the House and used strong words when I saw member after member of the select committee who had signed the report opposing this clause. I would now say that I reserve liberty of action with regard to voting (hear, hear). But I do contend that the Honourable Minister owes an explanation to this House with regard to misrepresentation.

Dr. M. K. DIXIT (Surat City) : The honourable member the Moolana Moulvi Saheb made another reference namely that the Viceroy can be expected to possess common sense. I won't dispute that, but at the same time I do not think any member would dispute that the members of the Senate also possess a certain amount of common sense.....

MOULVI RAFIUDDIN AHMAD : I am one of them.

Dr. M. K. DIXIT : It is only when the common sense of these two sets of people, the viceregal common sense and the senatorial common sense conflict with one another the question of which common sense will prevail would arise. And I would wish the House to decide that the senatorial common sense shall decide finally.

My honourable friend Mr. Marzban referred to another point. He said that the sanction of the Government of India, which is absolutely necessary, would only be given provided the new clauses are introduced in the bill. If it were not done and the House passed the bill without these clauses, the sanction of the Government of India would be withheld. I entirely agree with him looking to the correspondence which was read out to this House by the Honourable the Leader of the House.....

Mr. P. J. MARZBAN (Bombay City, South) : May I also make a word of personal explanation ? I too was under the impression that the sanction of the Government of India was conditional to these clauses being inserted in the bill. Therefore I made that remark. I also reserve my right of voting. I pertinently asked the Honourable Minister whether that was so or not and he did not contradict the statement.

Mr. J. C. SWAMINARAYAN : I rise to a point of order. Under section 80-A reference is made to previous sanction. There can be sanction or no sanction. I want to know whether there can be conditional sanction.

The Honourable the PRESIDENT : That point was raised and withdrawn and I do not think we can go into it again. If honourable members will cut short their remarks it will save the time of the House. Much of what is being said has really been said already in one form or another and let there be no more of personal explanations, please.



Mr. M. K. DIXIT : Sir, it is certain that even if the House is going to pass the bill it is quite likely that the sanction of the Governor General might be withheld. Under these circumstances it is very necessary that we should reconsider the position that we took last evening. The feeling on this side of the House is certainly strong and acute on this point. I am very sorry that the Honourable Minister has not come forward with any explanation. In view of the strong feeling which exists on this point I would request the Honourable Minister and ask him whether he is prepared to modify or to seek to find a *via media* which the House would be prepared to accept.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, Sir, I wish to offer a few remarks on the genesis of the introduction of the Visitor into this bill. The Honourable Minister, or for the matter of that, the honourable members who are responsible for the drafting of this bill, did not introduce the visitor at all notwithstanding that it appears in other Acts. As was explained, it was after the passing of the first reading that the Honourable Minister received a communique from the Government of India on this subject. It seems to me, as the bill was put forward in a hurry, that if time has been allowed for the Honourable Minister to communicate the reply of this Government to the Government of India on this point perhaps all this discussion might have been curtailed. I do hope still that a *via media* will be found in regard to the matter contained in the letter from the Government of India which we had an opportunity of hearing and which has thrown some light as to the real significance of that communique. It is clear to my mind that it is not a condition precedent to the sanction of this bill. No doubt officers of the Government of India who have sent in that communique have put forward their views saying that since other Acts contain this provision then why not have it in this Act also. But, Sir, it seems to me that conditions in this province may be different from the conditions prevailing in other provinces. The University Reforms Committee also specially considered this question and I would ask honourable members to refer to paragraph 180 in which also the Government of India resolution of 1920 is quoted and there they have laid down the conception of its responsibilities to the University. Then the report says :

“ With that conception we have no quarrel and we trust that the Bombay University may look forward to help from the Government of India in carrying out the costly measures which will be necessary in order to apply suggestions endorsed by the Government of India. But we notice that the Government of India does not endorse the quinquennial visitation which the Calcutta University Commission suggested and that it even mentions possible deviations from the visitation procedure. We think that such visitation is not a necessity and that there is no need to include as an officer of the University a visitor who is to be the Governor General.”

It seems to me that this can be relied upon in support of any protest or representation that may be made to the Government of India pointing out there is no need of appointing the Viceroy as an officer or at any rate whether there is any necessity of arming him with powers of control sought to be given by clauses 4 and 5. It seems to me that there will be no objection to the visitor being included among the officers as a person who may visit quinquennially or decennially.

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Very rarely indeed. But it is a different thing from his paying such a visit every five or ten years, either by himself or by deputy, different thing from his acting as the Collector does for the district local board as the controlling authority as it were, and it seems to me that it is that aspect of this clause that the honourable members of this House are strongly opposed to. It was stated in support of the clause that the Andhra University has got it; it is stated in the notes that the clause as inserted is based upon section 8 of the Andhra University Act. But, Sir, the conditions under which the Andhra University Act came into force and the Andhra University is itself established are quite different. I am not going to take up the time of the House by going into all the details, but I would simply say that if you are going to follow that Act in regard to one matter then why not follow section 36 of that Act? Because section 36 of that Act makes it obligatory on Government to pay a contribution towards the non-recurring expenditure as well as an annual contribution. Section 36 of the Andhra University Act says :

“ The Local Government shall, on such conditions as may be agreed upon, provide or contribute towards the buildings and equipment required for such colleges and also make an annual grant to the University for maintaining the institutions.”

I mean to say that if you rely upon one section for one purpose, the House is certainly entitled to ask the Government, why did they not rely upon the other parts of the Act? So, my submission is that each Act must be judged on its own merits, and the University of Bombay, which has been incorporated first of all by the Act of 1857 and next in 1904, has been hitherto free from the kind of control that is sought to be introduced into it now. The other universities quoted are also junior universities. Bombay ought to give a lead and not go in for slavish imitation of matters which may have come into other provinces in the forms of Acts for various reasons. Besides, Sir, the conditions of Bombay, so far as the contribution of Government to the University income is concerned, are quite different. If I may be allowed, I can quote here very briefly the income and expenditure of Governments in various provinces—five or six provinces—I mean the contributions of Government to the Universities in those provinces—and it will be seen—I think it is not necessary perhaps to quote the actual figures—it will be seen that the Government of Bombay is only contributing some thousands whereas the Governments of all the other provinces are contributing lakhs and lakhs towards the University funds. I mean that is the difference in the conditions. I am stressing this point, Sir, because it was explained that other Universities such as the Andhra University in Madras have similar clauses. I am only pointing out the difference between the contributions allotted to the Universities by other provincial Governments. Therefore, I do ask the Honourable Minister to consider whether it would not be prudent to hold over these clauses and carry on the rest of the bill for second reading and in the meantime carry on negotiations with the Government of India pointing out to them the strong feeling in the House, the various circumstances that have been brought to the notice of the House. I believe he has had no opportunity

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up to now—it is no fault of his—as was said, he received this communication from the Government of India by wire first and afterwards by letter, which we have all heard read yesterday. I do not think the Honourable Minister has had time to enter a protest or send a representation to the Government of India on the subject. After all, the Members of Government and the Honourable the Leader of the House are obsessed by anything that comes here from the Government of India. Naturally, they are subordinates of the Bombay Government, which is also subordinate to the Government of India, and they are obsessed by anything that comes from them. They naturally support it. I mean it is nothing but human. I am not going to blame any of the Government Members for the views they have expressed. But I do feel that the Honourable Minister's position should be strengthened by us and he should take up an attitude pointing out that this clause is really one which ought not to find a place here. Besides, these clauses, it seems to me, do not quite fit in with what has gone above. Now, in clause (1) the Visitor is there. Then clause (2) says that the Visitor has a right. To do what? To cause an inspection to be made or to visit himself. Then, after that, the Visitor has to give notice to the University of his intention to cause such inspection or inquiry to be made. Then the third clause reads :

“The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinions of the Senate and Syndicate thereon, advise the University upon the action to be taken.”.

There it ends. The whole functions, the rights and the duties, of the Visitor seem to me to be perfectly there all right. Clauses (4) and (5) seem to be no doubt going rather further and again re-opening the subject, as it were, after the Visitor has done something, the Syndicate has done something and the Chancellor has done something. Under clause (4) the Syndicate must report to the Chancellor what action has been taken upon the advice given, and under clause (5) if no action is taken, then the Chancellor may issue such directions as he may think fit and the University shall comply with them. So, these two clauses (4) and (5) do not seem to me, Sir, to quite fit in with the first three clauses and the drafting of these clauses based upon the Andhra University Act, from which this phraseology is borrowed, need not be necessarily suitable. I mean to say the whole thing has come as a sort of surprise both to the Government and to the Council. Under those circumstances, I would certainly suggest for the consideration of the Honourable Minister that he may be pleased to ask that the consideration of these two clauses (4) and (5) may be postponed. In the meantime he can go on with the other clauses for second reading, clause by clause, and there is the wireless communication system available to the Government, they may use it and communicate urgently with the Government of India, and perhaps the consideration of these two clauses may be postponed in that manner in the meanwhile. Of course, the whole thing cannot be finished if one clause still remains to be disposed of. But it could be so arranged that other clauses

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may be gone through now and only these two clauses (4) and (5) may remain over. We are very anxious to know exactly the position which the Honourable Minister or the Government is going to take up with regard to the necessity of this statutory obligation, and by the end of the second reading and clause by clause reading, we shall be in a position to know also how this financial obligation is tried to be met by the Government. I, therefore, with these suggestions, really am supporting the amendment. These are my reasons for supporting the amendment of my honourable friend behind.

Mr. NOOR MAHOMED (Hyderabad District): Sir, you must have noticed how the weather-cock of the Education Ministry of this Government changes without notice, without information, suddenly and most abruptly. When Government brings forward any bill in this House, it is an understood principle and it is always taken for granted that Government has got certain well defined policy behind the bill. Now, I ask you, Sir, and I ask every honourable member of this House to answer for himself whether in introducing this bill or whether in bringing the second reading of this bill before the House, the Education Ministry has got any the slightest policy behind it. Does the Honourable the Education Minister know what his own mind is? He changes because I am afraid he has got no policy behind his bill. Therefore you see him jumping at any suggestion of private negotiations which will be carried on behind the back of the honourable members of this House. I had no intention of addressing you and wasting your time, but when I found the honourable member from Gujarat, Dr. Dixit, talking this morning on the importance of carrying on negotiations, as though some great university scheme was otherwise to come down, I understood at once that the Education Ministry was shaking in its shoes: I at once felt that the Education Minister wanted to compromise in order to save itself and that only because it has no policy behind it: it has no backbone to stand an attack; and therefore it is ready to catch at any straw it can get hold of and to arrive at some kind of a compromise to save itself. The Education Ministry has, it appears to me, sacrificed principles, it has sacrificed the interests of vast number of people vitally interested in the work of the Bombay University, it has sacrificed the interests of the real Presidency and therefore it is not competent to pilot the bill to amend the University Act. I must protest most strongly against negotiations being carried on behind the back of the honourable members of this House just to please a few gentlemen because they can talk most strongly and most vehemently. Are we not going to count for anything? Have we got no say in the matter? Is the Education Ministry going to carry on negotiations with only the chosen few? Or is it going to take the whole House into its confidence? Whatever be the negotiations that the Education Ministry carries on, I feel that the Education Ministry should make up its mind on the points at issue and should decide for itself what it is prepared to defend and what it wants to be rejected. Having decided so, it must uphold its decisions, as that course would save many of us from the anxiety born of uncertainty. Let it not say that

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because such and such are the suggestions or directions of the Government of India that it wants to carry out those instructions. Let it not say that it stands for popular views but has to carry out the orders of the Government of India ! The point is whether or not the Education Ministry has adopted the suggestions of Government of India as its own ? If it has, it must uphold them. In this Bill, as we have seen, the Education Ministry has sacrificed the interests of the majority of the people of the Presidency. We have got no voice, because the Education Ministry have got some members ready to vote for them ; and therefore they know that they can very well ignore our protests and that they can thus sail with the tide easily. An Education Minister who wants to sail with the tide is not competent to handle this bill and pilot it through all its stages in this House. With these words I protest most strongly against those speeches that have been made this morning advocating negotiations. Negotiations have been so often carried on in this House that I am constrained to say that they have nearly always gone against the interests of the educationally backward communities.

The Honourable the PRESIDENT : Has the honourable member supported the amendment ?

Mr. NOOR MAHOMED : No, Sir. I merely protested against the policy of negotiations and I wanted the Education Minister to declare his policy. I beg permission to reserve my right of action.

Rao Bahadur R. R. KALE : I just want to say, Sir, that my honourable friend Mr. Noor Mahomed is not quite right when he referred to the speeches made this morning. I have not had any communication with the Honourable the Education Minister about this matter and this is the first time I ever heard the allegation levelled at me and other honourable members by the honourable member Mr. Noor Mahomed.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, the select committee on this bill was the largest committee ever appointed to consider a bill so far as I know. It consisted of 24 members representing all sides of the House and all shades of views. In the select committee when this provision was introduced, not a single member out of the 22 who were present raised any protest about it. It was only last evening that some of the non-official members of this honourable House took fright at sub-clauses (4) and (5) of clause 5 as entrrenching upon the freedom of the University. In view of the strength of the non-official view that has been pleaded before this House, I think it is my duty to give further consideration to that view but it cannot be done all at once and Government as a whole must consider the view which has been expressed on the subject. Under these circumstances, I think I do not exhibit any weakness as my honourable friend supposes but I respect the large majority of opinion on the non-official side when I request you to hold over the consideration of this clause to give me time to consider this matter in the Government and till then, I request that you will be good enough to proceed with other clauses of the bill. The remarks which my honourable friend Mr. Noor Mahomed has made seems to have

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originated in the effusion of the moment ; but every honourable member on the non-official side on one occasion or other, has always harped upon the necessity of the non-official opinion receiving proper consideration at the hands of the official benches, and when a Minister in charge of a bill with a policy behind it wants time to consider the opinion of the non-official side, it is not that it is an exhibition of the Minister's weakness but it is rather showing his respect for the opinion on the non-official side. I therefore request that you will be good enough to postpone for the present the consideration of this clause 5.

The Honourable the PRESIDENT : I think there is hope for those members on the non-official side who are in support of this amendment, in the suggestion made by the Honourable the Minister. I, therefore, have no hesitation in holding over the consideration of clause 5 and in proceeding with the rest of the bill.

Mr. NOOR MAHOMED : May I know from the Honourable the Minister what gentlemen he is going to consult and carry on his secret and private negotiations with ?

The Honourable the PRESIDENT : Order, order. He has made it perfectly clear and I think the words " secret and private negotiations and so on " do not find proper place at this moment because the Honourable Minister has distinctly and plainly said that after hearing honourable members on the non-official side since yesterday he has made up his mind to meet the Government as a whole and consider the matter and come back, possibly, with a changed view and help the view of the non-official side. That is what I understand by the request that he has made.

The Honourable Dewan Bahadur HARILAL D. DESAI : Government want to consider the non-official views.

The Honourable the PRESIDENT : In plain words therefore, there is a possibility of a change of view, otherwise there is no necessity of postponing and holding over. It is just possible that the Government as a whole may be able to reconsider the question in the light of the opinion that has been expressed on the non-official side of the House and, if possible, also I understand, Government will communicate with the Government of India in the meanwhile. The proceedings on the rest of the clauses will now go on. I think the request is a very reasonable one and will meet with the wishes of the non-official side. I therefore hold the consideration of clause 5 over.

MOULVI RAFIUDDIN AHMAD : The Honourable the Minister has not given any explanation as to why he said that directions had been received from the Government of India. In the letter there were no directions. We were all misled about it.

The Honourable the PRESIDENT : The letter was read out *in extenso* by the Honourable the Leader of the House. It is capable of interpretation as a direction or as a suggestion or as an intention. He used the word " direction." There is no misrepresenting on his part at all.

[The President]

I think the whole matter has been brought out before the House and the House is in possession of the views of the Government of India. I go on to clause 6.

*Clause 6 (Religious and other tests)* ordered to stand part of the bill.

*Clause 7 (Authorities of the University) :*

The following shall be the authorities of the University :—

- (1) The Senate,
- (2) The Faculties,
- (3) The Syndicate,
- (4) The Academic Council,
- (5) The Board of Post-graduate Studies.
- (6) Such other bodies as the Senate may declare by Statutes to be authorities of the University.

Dr. B. R. AMBEDKAR : Mr. President, the first part of my amendment to clause 7 is a consequential amendment depending upon the amendment to clause 25. I therefore request you, Sir, to hold it over till the amendment to clause 25 is disposed of.

The Honourable the PRESIDENT : I will hold it over.

Dr. B. R. AMBEDKAR : As regards my second amendment to clause 7, I understand the Honourable Minister desires to have some time to consider whether he can devise some amendment to my amendment to which both of us can agree.

The Honourable the PRESIDENT : Will the honourable member move his amendment.

Dr. B. R. AMBEDKAR : My second amendment to clause 7 runs thus :

Add the following clause to the bill :—

“ 7 (b). For the purposes of grants-in-aid from Government Treasury the University alone shall be recognised by the Government and no grants-in-aid shall be given to any college except through the University.”

I should like to insert the word “ except ” after the word “ college ” in the amendment of which I have given notice. It had been left over through mistake of the typist.

Sir, my reasons for moving this amendment are these. Under the new Act the University has been charged with the responsibility of undertaking the work of education far more directly than it was ever done before. Now, although the responsibility for teaching has been placed upon the University by the provisions of this Act, it must be recognised that the colleges which will be affiliated to the University will be the primary bodies which will carry on the practical work of teaching under this University. Now, Sir, I submit that unless the University is allowed some control over the colleges to regulate the work of teaching that is carried on in the colleges, I think it would not be fair to hold the University responsible for maintaining the standard of education. It must be given power to control the colleges and to regulate their work of teaching if the University is to discharge this responsibility. Now, Sir, under the existing law, the only means of control which the University

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has over these colleges is that the University appoints, I understand, what is called a committee of inspection, which committee visits these colleges at certain stated intervals, makes inspections and finds out what are the defects in their organisation and equipment. That committee I understand.....

Mr. P. R. CHIKODI: I rise to a point of order. I should like to know what the exact wording of the amendment of the honourable member is.

The Honourable the PRESIDENT: It was read out; the word "except" has been added.

Dr. B. R. AMBEDKAR: Now, Sir, I find that the only means of control which the University has over these colleges, whereby it can enforce its regulations on the colleges, is through the report of this committee of inspection. I understand that this committee of inspection occasionally goes round on a visitatorial tour, and makes reports on the defects in the college organisation, and that report, I understand, is submitted to the standing committee of the University; and the standing committee reports to the syndicate its opinion on the defects pointed out by the committee of inspection. That is all that is done today by way of enforcing the rules of discipline which the University has framed in the matter of controlling the colleges. Now, I submit that that is not sufficient, because if the colleges do not follow the directions given by the University on the basis of the report of this committee of inspection, then the only effective power which the University has got over these colleges is the right to disaffiliate those colleges. Now, I submit, Sir, that that is power which is too drastic; it is a power which is the power of annihilation. The University has really, as a matter of fact, no power to amend the ways of the colleges. In other words, under the existing system of control which the University has got over the colleges, the University today can only make or unmake a college, either by granting affiliation or by disaffiliating a college. The University, under the present system, has no power, whereby it can enforce its discipline and compel obedience on the part of the colleges to these rules of discipline, without resort to this extreme penalty of disaffiliation. Now, Sir, my amendment is such that it gives the University the power to mend the ways of the colleges and to compel obedience on the part of the colleges to the directions given by the University, without resort to this extreme measure of disaffiliation. I submit, therefore, that if the University was recognised by the Government as a unit—and I submit that it ought to be—and if the grants given to the different colleges by the Government were distributed through the University or, if possible, on the recommendation of the University, then my submission is that the University will acquire a power which, it is very necessary for it to enable it to enforce its discipline on the colleges. I think there is no other power which the University can be given which can effect this object, and I say the most necessary object, of enabling the University to enforce its rules of discipline over a recalcitrant college. Now, Sir, this view, that the University should be given financial control



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over these colleges, is a view which has also been laid down by the Royal Commission on University Education in London. In paragraph 41 of their report, they say :

"The power of the purse is indeed the most important means of control which the University should possess, if it is to organise teaching, with which it is concerned. All the other modern Universities, except Wales and Scotland are masters in their own house in regard to the assignment of State and municipal grants, because the University is one unit and not a congeries of many units."

In this report the Commissioners also recommended that the same principle should be applied in the case of the University of London, and my amendment is based upon this important recommendation of the Royal Commission on University Education in London. I should also like to point out in this connection that the organization of the Bombay University in its inception was fundamentally based upon the organization of the University of London. I think we are also tending in this Bill to amalgamate, so to say, or assimilate the position of the colleges under the Bombay University to the same position which colleges under the London University have been made to assume under the reforms effected as a result of the Royal Commission. The situation in both cases is the same ; and I think the rule prescribed for regulating the relations of the colleges under the University of London to that University should with equal advantage be applied for regulating the relations of the colleges under the University of Bombay to that University. There might be some objection on the ground that probably the University may misbehave in the matter of making recommendation for grants-in-aid. I think there is no justification at all for the supposition that the University will have any private grudge against any particular college. I do not think that a University under the new Act will be composed of such irresponsible persons that they would for their own whims or private ends sacrifice the interests of a particular college. I therefore submit that on these grounds my amendment should be carried.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I rise to oppose this amendment. The result would be that the colleges would have to serve two masters instead of one. The grant-in-aid is being distributed to colleges situated in British India of this presidency. If the University is recognized as the medium through which these grants-in-aid should be distributed nobody will know whether they are distributed to colleges within British India or in the Indian States also.

Another very important consideration is that grants are given to the colleges in some proportion to the expenditure incurred by them. They are given grants at the rate of 25 per cent. of their expenditure and in certain cases 50 per cent. grant is given for building purposes. There are various proportions in which these grants are distributed. If this amendment is carried to its logical conclusion it would mean that the colleges would not get their proportional grant and that all colleges would be compelled to go through the channel of the university to get their grants. Even Government colleges which are wholly maintained by

[Mr. J. C. Swaminarayan]

Government will be compelled to go through the channel of the University. This state of affairs cannot be permitted. The colleges which are now receiving their grants get them not as a matter of grace but as a matter of right. These are colleges situated in British India and they have a right to receive grants from Government. If this power of distributing grants to colleges according to the merits of their teaching is taken away from Government and Government are merely made a machinery to record the decrees of the University as regards which grant is to be distributed to which college and which not, the autonomous position of the colleges will be placed at the mercy of the University. Therefore I strongly oppose this amendment.

Mr. K. M. MUNSHI (Bombay University) : I oppose this amendment, Sir, though I agree that the amendment which my honourable friend has put forward is a consummation devoutly to be wished. The position is this. You cannot get over the difficulties which prevent the consummation for 25 years to come. You cannot take to-day the conditions that will be in favour of this amendment two or three decades hereafter. Up to 1904 the Bombay University was nothing but a University which was an institution as defined by the despatch of 1854 which tested knowledge but gave no instruction. In 1904 for the first time the University was given the power to constitute its teaching department. Up to now the teaching is in a very elementary condition and it has therefore become necessary to have another Act which would take the University from this infant stage to higher one. The present amendment of Dr. Ambedkar implies that the University is already a full fledged teaching University. It is an impossible position. At present 90 per cent. of the work of the University is really examining work. We hope that with the assistance of this Act we may be able within 10 years more to develop its teaching activities so as to control the teaching in colleges. Then only will come a stage when some colleges can be turned into constituent colleges and the grant, instead of being distributed by Government, can be transferred to the University as has been done in some Universities in England. When the University becomes a proper teaching University with constituent colleges the suggestion put forward by my honourable friend can be adopted.

The honourable member Dr. Ambedkar read from the London University report a few sentences which are in favour of his amendment. If he reads a few sentences further on he will find that to the framers of that report the same difficulty presented itself as it presents to our minds to-day. It is stated there :

"In London, on the other hand, public funds have hitherto been given, almost of necessity, to each of the independent institutions actually doing the work and responsible for the expenditure upon it. The colleges were older than the University and could not be left at the mercy of a Senate which, though it might have distributed state and municipal aid with care, had no responsibilities towards them or their existing interests."

These few sentences apply with much greater force to the condition of the Bombay University. The present position of the Bombay University is to maintain the standard of teaching, testing the calibre of instructions given in colleges, and to initiate an activity of teaching of itself,

[Mr. K. M. Munshi]

If the grants are placed in the hands of the university it will become a machine for the purpose of spreading higher education. It is impossible for the university in its present stage to be a machinery of that character.

You have further to consider that the Bombay University so long as it caters to a presidency of such vast distances will have to remain to a considerable extent a university of an affiliating type. Therefore the interests of the colleges can best be served by their negotiating directly with Government rather than their being under the control of the university so far as grants are concerned. Under these circumstances, while the principle underlying the amendment is sound for which we may work in the future, so far as the present condition is concerned, I cannot accept this amendment. I therefore oppose the amendment.

Mr. R. G. PRADHAN (Nasik District): Sir, I rise to support the amendment, and in doing so I wish to congratulate my honourable friend Dr. Ambedkar upon the well informed and thoughtful speech which he made in moving the amendment. I am very glad to find, Sir, that the honourable member for the University accepts the principle underlying this amendment. He admits that the amendment embodies a consummation devoutly to be wished for. He only referred to practical difficulties which made it impossible for Government to carry out the suggestion embodied in the amendment. But, Sir, let us see exactly what the amendment is. If the terms of that amendment are carefully considered, honourable members will find that what is proposed by Dr. Ambedkar is simply this: that when any grants are to be made to colleges they should not be made directly to the colleges by the Government but they should be made to them through the University. I submit, Sir, that the University is in a much better position than the Government to decide what are the respective claims of the various colleges to the grants to be given to them, and I submit that under the new constitution proposed under this Act, the University will be better able than at present to judge of the respective claims of these different colleges. Under these circumstances, it does not seem to me at all unreasonable, or difficult why the Government should not take the University into their confidence, consult the University, ask the opinion of the University as to the merits of different colleges and consult them as to the grants that are to be made to those different colleges, and then, after joint consultation between the Government and the University, decide upon the sum to be given to each college. All that this amendment proposes to do is this, that this consultation should take place; that there should be a free exchange of opinion and views between the Government and the University in this matter; the respective claims of the different colleges should be considered and decided, then the lump sum to be given should be arrived at and that lump sum should be placed at the disposal of the University to be distributed among the different colleges. I fail to understand what is impossible in this, or difficult in this. It seems to me a very sensible amendment, and I strongly support it.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I rise to support the amendment moved by the honourable member Dr. Ambedkar. One would have expected, Sir, that the representative of the University would have very warmly welcomed any proposition to strengthen the importance and the stability of the Bombay University. The opposition of the honourable member Mr. Munshi has therefore come to me, as to many other members of this House, as a surprise. Sir, I really do not see why the honourable member for the University wants to keep the Bombay University in an infantile stage for 25 years more. I thought, Sir, that this Bill No. XXI of 1927, when passed into law, will serve, as it were, as the inauguration ceremony of the Bombay University entering into the adult age. The Bombay University is now a full-fledged adult, and is now in a fit position to be entrusted with the responsibilities of an adult. I am sure that the honourable member Mr. Munshi will admit that Government colleges are all of them much better organised and better managed than private colleges ; and with that fact before us I do not see where the difficulty is and where the harm is in placing these colleges in 1928 under the control of the Bombay University. When this bill is passed into law, it should be made clear that the Bombay University should be recognised as an important body, or perhaps the supreme head of education in this presidency. I think, Sir, Dr. Ambedkar has done a distinct service by bringing forward this amendment and I give my warm support to it.

Mr. BALAK RAM : Sir, I was not present when the discussion began ; otherwise I would have brought to your notice that the amendment moved by the honourable member Dr. Ambedkar is not in order. It says :

“ For the purposes of grants-in-aid from Government Treasury the University alone shall be recognised by the Government and no grants-in-aid shall be given to any college except through the University.”

The colleges are bodies independent of the University. This bill deals with the University alone. When we are dealing with a body X, we cannot say that Government shall not give any money to body Y. I also believe—I have not looked into it in detail—that the local legislature cannot restrict the powers of Government in spending money in that way.

Dr. B. R. AMBEDKAR : I am sorry I have not been able to follow what the honourable member the Legal Remembrancer was saying. We could not hear him.

Mr. BALAK RAM : Sir, this bill deals with a certain corporation called the University of Bombay. My friend Dr. Ambedkar's amendment prevents any money being given to the colleges. I submit that this amendment is not within the scope of the bill. When dealing with the University, we cannot say that Government shall not spend money on other bodies. There is a second point of order also.....

The Honourable the PRESIDENT : That was not pressed by the honourable member.

Dr. B. R. AMBEDKAR : Sir, with regard to that, I submit that the colleges are part of the University, and this bill applied both to the University and to the colleges which form part of it. This bill deals with the relation of the colleges to the University.

Mr. BALAK RAM : May I explain again what I mean ? I quite admit that in a sense the colleges are part of the University, but that is only in an administrative or educational sense. Legally a college holds its property quite independent of the University, just as the University holds its property quite independently of the college. The two are separate legal entities, and as we are legislating for the University, this amendment is not within the scope of the bill.

The Honourable the PRESIDENT : I am afraid I cannot entirely accept the view placed by the Legal Remembrancer. This amendment proposes that the Government money passing on to the colleges affiliated to the University should pass through the University and not directly as now. That does not make much difference and I think when all aspects are taken into consideration I think this falls within the scope of the Act. I therefore think that the amendment is in order.

The Honourable Sir GHULAM HUSSAIN : I rise to another point of order. The amendment restricts the power of the local Government in regard to the distribution of its grants. Under the Government of India Act, the transferred subjects are administered by the Governor with the advice of the Ministers, and the Ministers are the sole persons to distribute the grants as they think fit. The present amendment puts restrictions on that power. The provisions of the present bill cannot override the provisions of the Government of India Act.

The Honourable the PRESIDENT : Does the Honourable Minister rely upon any particular rule or provision in the Act ?

The Honourable Sir GHULAM HUSSAIN : The Government of India Act clearly lays down that the transferred departments are to be administered by the Governor with the advice of the Ministers, and by no one else.

The Honourable the PRESIDENT : I do not really think that this amendment interferes with the Government of India Act or with the position of the Honourable Minister as an adviser to His Excellency the Governor. I therefore do not think that the point of order is correct.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, I quite agree with the honourable member Dr. Ambedkar's principle, but I feel some difficulty in accepting his amendment. I would point out to the honourable member that the provision made for affiliating colleges and controlling them to a certain extent appear in clause 21 (h) which reads as follows :—

“(h) to arrange for and direct the inspection of colleges and hostels and to issue instructions for maintaining the efficiency of the colleges, and in case of disregard of such instructions, to recommend modification of the conditions of affiliation and to take such other steps as it deems proper ;

(i) to call for reports, returns and other information from the colleges.”

[Rao Bahadur R. R. Kale]

It is a new clause introduced by the select committee with a view to maintaining the disciplinary position of the University. In the original bill there was no provision except disaffiliation. Disaffiliation is a drastic measure. This clause has been introduced and in my humble opinion it is sufficient to safeguard the efficiency of colleges. To go further and to have control over teaching also would mean a change in the machinery. The present machinery provided in the bill is simple, the University being more or less an examining body. But in regard to the other teaching work, that is post-graduate studies, the University may have its own institution for the purpose. It will be unjust in the first place to insert a provision of this kind and secondly additional machinery will have to be provided for in the bill for the purpose of enforcing the kind of thing which the honourable member Dr. Ambedkar wants. With these remarks I oppose the amendment.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I wish to place before the mover of this amendment one or two difficulties which strike me with regard to this amendment. It appears to me that the idea behind the mind of the mover of this amendment is that the University should be able to exercise control over college education more efficiently than at present and that if it is given power with regard to grants-in-aid that control will be more effective. It seems to me that since under the jurisdiction of the university there exist Government colleges which cannot be said to be colleges receiving grants-in-aid from Government no provision is made by the mover of the amendment for control over such colleges. I do not see why private effort should have special disabilities imposed upon them. The other difficulty is that the real effect of this amendment if accepted and if it comes into operation will be to reduce the control of this House over higher education. I believe the Minister for Education is to be responsible to this House for the administration of his Department. If in a matter so vital as the giving of grants-in-aid to colleges the Minister gives up his power to the university he cannot give effect to the wishes of the House in regard to grants to colleges. I do not think that this will be a sound principle.

The last difficulty before me—I hope I will not be misunderstood—is that the senate and the syndicate will consist substantially of a large number of principals and professors of different colleges and I am afraid—I hope my fears are mistaken—that if as a result of this amendment the syndicate and the senate which is composed of principals and professors of various colleges get the power of distributing grants it may be that there will be complaints of unfair treatment. That will land us into complications and I therefore feel that in view of these difficulties the amendment should not be accepted.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I would like to say one or two words from a practical point of view. The proposal is a laudable one, but in actual practice and taking human nature as it is, it is one which is highly detrimental to the interests of minor colleges.

[Mr. B. G. Pahalajani]

We have got in the Presidency Colleges with a high degree of proficiency and on account of the influential position they are heavily represented in the Senate. We have got the Fergusson College in Poona, Elphinstone College and St. Xavier's College in Bombay who are far more influential than colleges in the mufussil areas. On account of the excessive representation of the city colleges in the University the natural tendency will be to give more grants to these colleges. It is a fact which cannot be got over; and in one way it is natural, because they will plead that they have greater expenditure to incur and therefore they want more grants. The smaller colleges which are at a distance from the city of Bombay will have hardly one or two professors to represent them and they will go unheard. The result will be the deterioration or the misery of the smaller colleges, whose voice will be more or less a voice in the wilderness. We do not want the colleges now to be bigger. We want education to spread. We want secondary and collegiate education to spread in every town, if possible, and therefore, any such provision as is introduced in this Bill will be calculated to discourage it on account of the financial strain. It will encourage the already established colleges; it will encourage the colleges whose finances are large. It will make the future continuance of the smaller colleges, if not impossible, very difficult, because the distribution of the money according to the wants will be among their bigger brethren and not in their own hands. That is the human point of view. I therefore submit to the House, the non-official side here, and to those who are interested in the collegiate education and in the growth of collegiate education, if they want to encourage it, this power ought not to be given to the University. The present Senate is going to be a new body, we do not know how it is going to function. It is a tentative body, and we must wait for some time until we determine whether the conduct of the present Senate towards the smaller colleges is really one that can be easily accepted. Therefore, from that point of view, I would ask those who are interested in education to keep this in suspense.

The second point that has been urged by the honourable mover has been already answered by the honourable member Rao Bahadur Kale by saying that the punishment is already provided for. If it is already provided for, then this punishment is hardly fair and we should not at present allow it.

Mr. J. B. PETIT (Bombay Millowners' Association): Mr. President, I do not think that this clause, if accepted by this honourable House, is likely to cause the complications that are feared and to which reference has been made by several honourable members. As far as I am able to interpret the clause, all that is sought to be embodied in the bill, is a power to the University to make a recommendation. (An Honourable Member: There are no such words in the clause.) There are no such words; but the words that are there, do not say that the power of the Government is going to be restricted in any manner or to any extent. It does not also say or imply that the Honourable the Minister for Education has to abdicate his power of determining and distributing

[Mr. J. B. Petit]

grants-in-aid. I do not see any words there to this effect or conveying this meaning.

The Honourable Dewan Bahadur HARILAL D. DESAI : That is exactly how I look at it.

Mr. J. B. PETIT : If this clause is capable of more than one interpretation, then I venture to suggest that it should be made clearer. But until it is so made clearer, as far as I am able to judge, all that it aims at, is that grants should be made through the instrumentality of the University ; and I see absolutely no objection to such a proposal. It does not in the slightest degree restrict the right or privilege of the Government to make such grants. It is contended that the University should be the only vehicle through which the grants should pass on to the various colleges. I think it is quite right that the University should have the control and power of making recommendations and such other observations as they may think fit to offer from time to time, for the consideration of Government. I admit that the clause is not as clear as it might be ; but if there is a doubt, it might be made clearer. So long however as it remains, I venture to think that it is capable of the interpretation that I have put on it. It is quite in the fitness of things that the University, charged as it is with the control of higher education, should have some voice in making recommendations to Government in the distribution of these grants ; and I am perfectly certain that even the Honourable the Minister for Education will not object to such a proposal, inasmuch as it will enable him to be in possession of the views of the University on the merits and demerits of the respective institutions selected for Government grants. I see absolutely no objection to such a course. It does not put any unnecessary obstacle in the way of the Government or impose any additional responsibility upon their shoulders. All that it says is that they should recognise only the University for purposes of these grants-in-aid, which proposal, in other words, means that it should be consulted and its views should be given due weight to. Government are undoubtedly the ultimate arbiter of all questions arising out of this clause ; and it is open to them as far as I am able to read this clause, to accept or reject the recommendations of the University. There is one more advantage in favour of this proposal ; and that is, that it will also have the effect of promoting a healthy co-operation between the Government and the University, and will ultimately enure to the benefit and advancement of the cause of higher education.

Mr. F. G. H. ANDERSON : Mr. President, if the object of this clause is, as has been so clearly stated by the last speaker, to be the conferment of a controlling voice in the distribution of grants upon the University, then, Sir, this House must reject this amendment, because it is the firm intention of this House that the controlling voice in the matter of grants shall vest in this House, and in the Minister in charge of this transferred subject. If, however, the object of this clause is merely that the University should be consulted, I think this House will probably



[Mr. F. G. H. Anderson]

have no objection to accepting it. But if this is the aim of the clause, we should insist that first it should be put in proper language.

Mr. H. V. PATASKAR (East Khandesh District): Mr. President, I submit that the amended clause as it stands at present is not capable of the interpretation put upon it by my honourable friend Mr. Petit. The clause is quite clear. It takes away the power of giving any grants-in-aid to colleges from Government and it gives it to the University.....

Mr. BALAK RAM: On a point of order, Sir. A little while ago you ruled that this amendment was within the scope of the bill because it did not affect the rights of colleges with respect to grants from Government. It was also ruled by you, Sir, that this clause merely says that the grants to colleges shall be paid through the University which was to be merely a channel of payment. I understand from the speeches made from the opposite side that the amendment seeks to give the University either a right to be consulted, or makes it the final authority for deciding in which direction the grant shall go, and the speaker whom I just interrupted was also saying that the object of the amendment is to prevent Government giving grants to colleges except on the recommendation of the University. I now put it to you, Sir, whether the speeches of the honourable members are consistent with your ruling.

The Honourable the PRESIDENT: I do not see clearly the point of order raised by the honourable member the Legal Remembrancer. I understand that this amendment, according to the views of one of the honourable members of this House, aims at creating a channel, or—I would put it in other words,—if I have rightly understood it, the object of the amendment is securing to Government a further agency for the distribution of the grants, and so far it does not go against the spirit or the scope of this bill. I, therefore, have allowed it as in order. Honourable members might take various views and express themselves in any particular manner they like. That does not make the amendment out of order at all.

Mr. BALAK RAM: But would not the speeches be out of order?

Mr. H. V. PATASKAR: As I was just saying, the clause as it stands is not capable of the interpretation that has been tried to be put upon it by the honourable member Mr. Petit. The first portion “for the purposes of grants-in-aid from Government treasury the University alone shall be recognised” means that Government, of its own accord, cannot give any grant in aid but must give the amount to the University itself. I think I am perfectly right in putting my interpretation upon the clause as it stands. If you will look to the second portion of this clause, namely, “no grants-in-aid shall be given to any college except through the University” and if you read these two portions together, what does it all mean? It means that whatever fund Government has sanctioned as a grant-in-aid to be given to different colleges in the presidency, should be given over to the university for being distributed by it in any manner it likes. There are various colleges situated outside British India. They are not receiving any grants-in-aid from Government. There are also

[Mr. H. V. Pataskar]

many other colleges, viz., Government Colleges which have been left untouched as pointed out by my honourable friend Mr. Jairamdas, and this amendment seeks to give power to the University only with regard to particular colleges which are receiving grants-in-aid from Government. I do not understand why the honourable the mover should leave untouched all those other colleges. If the amendment was to the effect that all money to be spent on college education ought to pass through the hands of the University for being paid to or spent on colleges, then it would probably have been in conformity with the object of my learned friend, the honourable mover of this amendment. Instead of only restricting the grant of financial assistance to colleges, if he seeks to lay down that all the grants-in-aid should pass through the medium of the University, then I think it would have been better for him to have said that whatever money Government ought to spend on colleges by way of grants-in-aid or on colleges established by Government should pass through the University. As the amendment stands at present, I think it is halting, it is not suited to the present time, and therefore I oppose it.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I would like to support this amendment. I was rather surprised that the honourable member for the University has taken an objection to a proposal for giving additional power to the University. Another member, the honourable member from Sukkur, says "humanly speaking justice would not be done by the University." We are not speaking the language of the apes or of the angels. "Speaking humanly" means that honourable members are suspicious about autonomy being given to the University as the same would be abused by syndics. Why should the power not be given to the University? Honourable members seem to be afraid that while Government is doing justice the University would not act fairly as between one college and another. If that be the motive behind the opposition the sooner they abandon the talk of autonomy for the University the better. Nothing can be a better argument against the proposal of autonomy for the University than the opposition of Mr. Munshi to this amendment, and the reasons assigned for that opposition by the honourable member for East Khandesh and the honourable member for Sukkur. I think it is a very innocent and a very harmless but a very useful amendment. If the University is the proper body to find out the intellectual fitness of persons and of colleges, then, Sir, the University must be given this power. The power is not being taken away from the Minister. The Minister has the power. The Minister has the control, the Minister can always make enquiries. Moreover the University may recommend and for the purposes of recommendation no other agency is to be recognised but the University. If honourable members think that this agency should not be recognised, that the University would not be doing the only function for which it exists, that is to say, to make impartial and independent report to the Government about the manner in which the duties and functions are performed by colleges, then you are doing a great injustice to the University. As a member of the Senate, I stand for the rights of the Senate. I say the University must be given this power. Yesterday,

[Moulvi Rafiuddin Ahmad]

we heard strong protests against interference of Government, and now you are gracefully giving Government this power to the prejudice of the university. These two mentalities I do not understand. Either you want full autonomy for the university or you do not. If the university should have to be controlled by Government, don't say that you require full autonomy. I support the amendment moved by my honourable friend Dr. Ambedkar.

Dr. M. K. DIXIT (Surat City) : Sir, I am again obliged to contradict my honourable friend, the Moulana Moulvi Rafiuddin Saheb. My honourable friend on my right made distinctly clear the meaning of the amendment that for grants-in-aid the university alone shall be recognised and the Moulvi Saheb put a different meaning on it altogether. We have had several points talked about but there is one point to which I wish to refer. It is this, if this clause is accepted, the colleges will have to go about canvassing to the members of the Senate or the Syndicate for deciding upon the amount of grant or whether the grant should at all be paid to them or not. For the purposes of grants-in-aid, Government colleges are altogether excluded because they are entirely financed by Government themselves. It is only with regard to private colleges that this clause will have to be enacted. Now, we are giving the university the power of inspection. I suppose their committee will look to two things—efficiency of the college and the equipment of the college : Now, Sir, most of these private colleges are as a rule always short of funds. The university inspection committee goes round and suggests certain additions and improvements for the purpose of bettering the efficiency and the equipment of the colleges. It is quite possible that in spite of their great desire to carry out and put into effect these suggestions, the administrators of these private colleges may not find themselves in a position to carry out those suggestions. Because those suggestions mean money. And if the inspection committee next year turns round and says “ We made certain suggestions for improving the efficiency and equipment of your college ; those suggestions have not been carried out, and so we recommend that the grant-in-aid should be curtailed or withheld,” what would be the condition of the college then ? A sort of vicious circle would in this way be established. Efficiency and equipment will mean money. For bringing in these things the administrators of private colleges will be trying their best. If they fail for the time being, I suppose the inspection committee will turn round and say “ We shall stop your grant.” First of all, the recommendation may be to reduce the grant, in the next year to still further reduce it, and in the third year for withholding the entire grant, and thus lastly will probably come the drastic step stated by the honourable mover of the amendment, namely, the disaffiliation of the college. That would be creating a very difficult situation for the college. I think it will be putting the mofussil colleges, run by private agencies, into a very awkward position if the University is made the only body for recommending the giving of grants-in-aid. I therefore oppose the amendment.

Mr. S. C. JOSHI *rose*.

The Honourable the PRESIDENT : I think we have had a very full discussion. Of course, I do not want to check any honourable member, but I would request the honourable member to be very brief.

Mr. S. C. JOSHI : Sir, I want to move an amendment to the amendment as follows :

"Delete the word "alone" and for the words "and no grants-in-aid shall be given to any college except through the University" substitute the words "and Government shall neither make, withdraw, nor modify any grant-in-aid to any college without first obtaining the views of the University thereon."

The Honourable the PRESIDENT : This is hardly an amendment to the amendment. This is a fresh idea brought in. I would therefore not allow it at this stage.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I rise to oppose the amendment. My reasons are that university education has not developed to an equal extent in all the parts of the Presidency. We know that our presidency is divided into various divisions, and education in one division has not developed to the same extent that it has in others. The University of Bombay, constituted even according to the present bill before the House, will predominantly consist of men either from Bombay or from Poona ; colleges from Bombay and Poona will be mostly represented on the University ; the private colleges in these places will also be getting grants, and human nature being what it is, we cannot say that the distribution of grants will be fair. My honourable friend Moulvi Rafiuddin Ahmad said that the autonomy of the University is now being invaded, and we are contradicting ourselves, because at one time we ask for autonomy and independence for the University, and now we are opposing it. But I think the criticism is surely, if I may say so, something of a nonsense, because what we are here contending for is the right of this House : we are not pleading, as my honourable friend seems to think, for Government. We are pleading for the rights of the House. The grants given by Government will be under the control of this House. The Honourable Minister's pay is voted, and the grants are votable. We are fighting for the preservation of our rights. If the Honourable Minister distributes the grants unfairly, this House has got the power of taking him to task, but if the University is given the right to distribute the grants, and if there are complaints against its distribution, this House will not be in a position to control the University. The Honourable Minister will be free to say "You passed this legislation ; the University has got the power, and I am helpless." We do not want him to say that. We are fighting for our rights. In the case of the sub-clauses (4) and (5) of the clause 5 we were fighting for these rights. Government were intending to hand over the control of the University to a dictator like the Chancellor, and therefore we were opposing them. We are now similarly fighting to retain the power in our own hands. We are not contradicting ourselves. Let my honourable friend Moulvi Rafiuddin Ahmad think twice before he makes such a sweeping remark as the one, *viz.*, that we are contradicting ourselves in dealing with this bill. It seems that he is thinking and pleading for Government ; perhaps he thinks he will become some day a Viceroy.

The Honourable the PRESIDENT : Order, order. I think such remarks against each other—I am glad that they are not frequent—are very indiscreet.

Mr. P. R. CHIKODI : I do not wish to say anything further on the point. I say that if this amendment is allowed to be passed, it will act in a prejudicial way to the interests of the mofussil colleges, and the spread of university education, which is still in its infancy, will be retarded. I therefore strongly oppose the amendment moved by my honourable friend Dr. Ambedkar.

Rao Bahadur S. T. KAMBLI : I move for a closure.

The Honourable the PRESIDENT : I accept the closure, and call upon the honourable mover to reply.

Dr. B. R. AMBEDKAR : Sir, although I do not know what is going to be the fate of this amendment, I am rather glad to find that there are so many honourable members who have recognised the principle embodied in this amendment. I do not think that I should waste the time of the House in dealing with every sort of objection that is raised against this amendment, but I should first of all like to point out that so far as I am able to construe the amendment as I have put it down, I do not think that it makes the University in any sense the sole arbitrator in the matter of distributing the grants.

All that I say is this : that the grant shall be distributed through the university. It does not take away the power of control of the Minister to pay grant. He is the final determining authority in the matter of making grants notwithstanding this amendment. I do not think that the Honourable Minister of Education will object to have any consultation with such an important body as the university in the matter of making grants. I am sure that those honourable members who have stood up for the mofussil colleges and feared that the university authorities would manipulate affairs in such a way as to affect the interests of the mofussil colleges would agree with me when I say that it is as much their duty as the duty of every one in this House to see that Government money that is paid as grant-in-aid is properly expended by the colleges. I think there cannot be a better body than the university to advise the Minister whether the money which has been raised from taxation and handed over to the mofussil colleges as grants is well spent or not. I think the Honourable Minister should be the last man to reject the views of an important body of which he is going to be the father by the passing of this bill.

There was a point made by the honourable member Mr. Jairamdas which was greatly appreciated by the Government benches. He said that this amendment was going to reduce the control of this House over the Minister. I do not see how that can be the result of my amendment. As I said just now the only object of my amendment is to strengthen the hands of the Minister. If that object is not clear I am prepared to accept any amendment which the Honourable Minister may move in order to make that meaning clear. I do not see how it can at all curtail the power of this House over the Minister or the power of the

[Dr. B. R. Ambedkar]

Minister. Even under this amendment the Minister will be the final authority to make these grants. The only object of the amendment is that the university as an intermediary body should be consulted for making grants. I do not think there is any serious limitation either on the power of the Minister or on the control of the House over the Minister. The House on the other hand will be in a much better position to judge whether the provision made by the Minister is properly spent. With these words I commend my amendment to the House.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose this amendment. I do not wish to abdicate either the powers of the Minister of Education or the powers of this House. I do not want to introduce a third wheel to the coach. From the speeches which have been made in support of this amendment it must have been clear to the House that they want by this amendment to give power to the university over Government. With great respect to your ruling, Sir, I beg to submit that if this amendment had been worded as follows, namely, "that Government shall give a grant of 3 or 4 lakhs to the university for being distributed as grants" it would have been open to the objection under section 80C of the Government of India Act. Here it is a vicious amendment in that it imposes on the Government an unlimited liability to give an uncertain amount to the university which will distribute it as grants to the colleges. Looked at from this standpoint it is open to objection under section 80C of the Government of India Act. I therefore submit, without meeting the other arguments placed before the House, that the House should reject this amendment altogether.

Question put and lost.

The Honourable the PRESIDENT : I now pass on to clause 8.

*Clause 8 (Constitution of the Senate)* ordered to stand part of the bill.

The Honourable the PRESIDENT : Clause 9. The honourable member Mr. Ginwalla.

Mr. F. J. GINWALLA : That is an amendment relating to clause 10, Sir.

The Honourable the PRESIDENT : Yes, and it is a mistake. I find there are several amendments submitted by the honourable member Mr. Ginwalla where he has unfortunately mistaken the clause and referred them to wrong clauses. He will find several of his mistakes as we get on. I hope honourable members will be careful in future. There being no other amendment I shall put clause 9.

*Clause 9 (The Chancellor)* ordered to stand part of the bill.

*Clause 10 (The Vice-Chancellor).*

The Chancellor shall appoint a Vice-Chancellor who shall, save as herein otherwise provided, hold office for two years, and shall be eligible for re-appointment.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I move the following amendment:

"The senate shall elect the Vice-Chancellor who shall, save as herein otherwise provided, hold office for two years and shall be eligible for re-election."

The object of this amendment is that the power of the nomination of the Vice-Chancellor should not vest in the Chancellor but should be in the hands of the senate which is a larger body. This point was discussed at the time of the first reading of this bill and it was the consensus of opinion of this House that in order to democratise the university we should maintain the elective principle. I have nothing further to add and I hope the amendment will be accepted by the House.

Question proposed.

Mr. B. V. JADHAV (Satara District): Sir, you will find in the amendments put down there is some divergence of views. The amendments can be classified as follows: Whether the Vice-Chancellor should be elected or whether he should be nominated by the Chancellor and whether he should be chosen by the Chancellor out of a panel of five persons. If the first of these—whether he should be elected or nominated—is taken up the discussion will be kept within bounds.

The Honourable the PRESIDENT: Is it the proposal that it should be limited to one? This deals with only one.

Mr. B. V. JADHAV: Sir, I do not propose that any particular amendment should be discussed first. I only propose that certain principles should be placed before the Council and then amendments to the clauses should be drafted according to the principles accepted by the House.

The Honourable the PRESIDENT: How can that be? Principles cannot be discussed now.

Mr. JAIRAMDAS DOULATRAM: Sir, may I make a suggestion to save the time of the House? I do not know whether it would be in order, but if all the honourable members who have to move the amendments are allowed to move their amendments and make their speeches and then the amendments are put one by one for the vote, then we can have discussion on all the points and the time of the House might thus be saved.

The Honourable the PRESIDENT: That is not practicable. I attempted that at the last session, and I found that confusion was created. I think we will be wasting more time in deciding whether it should be done this way or the other, and therefore we should proceed with the discussion. I do not find any honourable member rising to support the amendment. Does the Honourable Minister wish to speak on the amendment?

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I want to oppose it.

The Honourable the PRESIDENT: If the Honourable Minister does not wish to make a speech he need not. There is an amendment before the House. I do not see any honourable member wishing to speak on it. I do not want to waste the time of the House. I will give an

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opportunity to the Honourable Minister to speak. If he does not like to speak on it, I will put the amendment and let it be thrown out of accepted.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose it. At this stage I need not make a speech.

Question put and lost.

Mr. R. G. PRADHAN (Nasik District) : Mr. President, the amendment I move reads as follows :—

For clause 10, substitute the following :—

“ The Vice-Chancellor shall be elected by the Fellows from among themselves by a two-thirds majority of those present at a meeting of the Senate called for the purpose. His election shall be subject to approval by the Chancellor. He shall hold office for three years, and shall be eligible for re-election.”

I just want to state at the outset that my amendment seeks to give effect exactly to the recommendation that has been made by the University Reform Committee. The proposal that I am making is exactly the same as the one made by the University Reform Committee. That is a point which I wish to stress, and to which I wish to invite the earnest attention of this honourable House. At page 162 of the Report, the proposal of the Reform Committee on this question is thus expressed, and I claim the attention of this honourable House as I read it :

“ *Vice-Chancellor*, to be a part-time, honorary officer, elected by ballot by a two-thirds majority of those present at a duly constituted meeting of the Senate, subject to the confirmation of the Chancellor, from among members of the Senate : to hold office for three years but be eligible for re-election :”

That is the recommendation of the Committee, and my amendment is, as I have said, exactly the same. Now the honourable House on both sides must have recognised that there is a consensus of opinion in favour of the principle of election being adopted in the matter of the appointment of the Vice Chancellor. I venture to say without fear of contradiction, that opinion both within this chamber as well as outside this chamber is overwhelmingly in favour of the view that now a stage has been reached in the development of the University when the Vice-Chancellor should be elected. That is the opinion. Some honourable member questions that position. But I do not think the mere fact that he differs from me negatives the position which I have taken up and which I emphasize, that opinion is overwhelmingly in favour of the Vice-Chancellor being elected.

Then, the next question is what should be the manner in which he should be elected ; in other words, in what precise manner this principle of election should be carried out ? On that point I notice that there are various methods suggested by various members. I submit that my amendment is in accordance with the recommendation of the University Reforms Committee. May I remind the House of the personnel of that committee and also of the fact that that committee has gone into the various questions referred to it with very great care ? The committee consisted of Sir Chimanal Setalvad, the present Vice-Chancellor, who acted as chairman of the committee, Dr. Paranjpye, the Reverend R. Blatter, Mr. M. R. Jayakar, who was the leader of the Opposition for



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some time in this House. Mr. H. P. Mody, Mr. Natarajan, Captain E. V. Sassoon. Professor K. T. Shah. Mirza Ali Mahomed Khan, Sir Purshottamdas Thakurdas, Sir Fazulbhoy Currimbhoy, Mr. A. B. Lathe, and last but not least, the honourable member Mr. J. B. Petit. I see that my honourable colleague Mr. Petit has not written 'a minute of dissent on this question and I hope that he will give his full support to the amendment that I am proposing. He is in favour of this recommendation and I do hope that he will support my amendment.

Well, Sir, this was the personnel of the committee. It was presided over by no less a distinguished person than Sir Chimanlal Setalvad. I dare say that there must have been a lot of discussion on this question. Various aspects of this question must have been examined and then it must have been the unanimous and considered recommendation of the University Reforms Committee. I just want to ask whether it is not reasonable on our part to accept this considered recommendation or whether we should go in for some other method. The Committee have arrived at a conclusion after examining all the evidence and has drawn up its report which is considered to be a very carefully drawn up report, and unless and until there are substantial reasons for our differing from the recommendations of this Committee, it should be our duty to accept the recommendations which the Committee have made. I therefore suggest that this Council would do well in accepting the amendment that I propose. And what is this amendment? It says that the vice-chancellor shall be elected by the Fellows from among themselves by a two-thirds majority of those present at a meeting of the senate. In order that this vote may not be a catch vote it has been provided that a specific meeting for this particular purpose should be called, so that all the Fellows should have due notice of the fact that at that particular meeting this question of the election of the vice-chancellor would be considered. It also provides that the majority shall be two-thirds of those present. It further provides that his election shall be subject to the approval of the Chancellor. Perhaps some honourable members may be surprised to see that I am coming forward with a suggestion of this kind. In a body like this, things have got to be done on the principle of compromise and it seems to me that this recommendation of the Committee must have been arrived at on this principle. Whatever personal views or predilections I may have in the matter, I am prepared to be guided in this respect by the view of the Committee and therefore I propose that the election of the vice-chancellor shall be subject to the approval of the chancellor. I further say that the vice-chancellor shall hold office for three years and not for two years. Then it has been stated that he shall be eligible for re-election. I do not think I need say much in support of this amendment; I take it that a majority in the House are in favour of the principle of election. But if any honourable member would question the principle of election itself, I shall speak on the point when I reply to the debate. With these remarks I commend the amendment to the acceptance of the House.

Question proposed.

Mr. F. G. H. ANDERSON : Mr. President, I desire to say a few brief words in opposition to this motion, not because I have the misfortune of sitting on the Government benches but because the amendment creates in my mind a condition of confusion, a whirl of uncertainty, which it is absolutely necessary should be cleared up before anybody can be expected to vote for it. There is a very great deal to be said before it can be accepted by any reasonable man. There are some things which are left entirely unexplained. The first thing that I should like to know is this. We have reached "a stage," to use the phraseology of the honourable mover of this amendment, "in the development of the university" when to my mind it is highly likely to become the hot bed of party politics and to reverberate with every fresh explosion of communal discord resulting in the paralysis of a great many of their activities. If that happens—and I think there is every probability of its happening,—what is going to happen when the senate fails to have a two-thirds majority in favour of any one of the candidates? This is not an entirely impossible situation. We have the historic case of a certain Greek republic, where through utter inability to agree upon a President they fell back on the election of a deaf and dumb cripple, because no one had any strong objection to him. But apart from pre-historic events we have already on the other side of the Atlantic a notorious parallel in the great republic, which experienced the greatest difficulties in getting a President by a majority, and is likely to fall back continuously on less and less capable men. This amendment makes no suggestion as to what is to happen if a two-thirds majority cannot be secured by any candidate. Unless that is explained perfectly clearly it is impossible to accept the amendment. Then the amendment says that the election of the vice-chancellor shall be subject to the approval of the chancellor. Well, that, Sir, leads me again to an absolutely impossible condition. What on earth is going to happen if the chancellor does not approve the person elected even if he has been elected by a two-thirds majority of members present at a meeting of the senate? It is an absurd amendment and I think the House cannot accept it.

Mr. F. J. GINWALLA (Bombay City, North): I rise to support the amendment. As regards the principle of election most of the members on this side of the House are against it. My honourable friend Mr. Chikodi has given notice of another amendment to the effect that the vice-chancellor shall be appointed by the chancellor from among a panel of five Fellows and my honourable friend Rao Bahadur Kale, has also given notice of a similar amendment. Sir, I am surprised that instead of giving the right of election to the senate the honourable member is prepared to accept the proviso that the vice-chancellor shall be appointed by the chancellor. I do not know why he is so much charmed with giving the power to the chancellor. Here you have got a legislative body which wants to democratise the Senate. It is in your hands and the members of the legislative body to give as wide powers as they choose to the Senate of the University and instead of doing that, they have tried to shove in amendments after amendments which will curtail the powers of the

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University. (Mr. P. R. Chikodi : No). It comes to that, Sir. My honourable friend Mr. Chikodi says, No. I am supporting the amendment of my honourable friend Mr. Pradhan. My first amendment was the largest and broadest amendment, namely, that the Senate is there to look after the affairs of the University, and it is but fit and proper that that is the body to which we should give the right to elect their own Vice-Chancellor. But if you are not going to accept that proposition, then your next best proposition is the proposition which has been moved by my honourable friend Mr. Pradhan, namely, that the Vice-Chancellor shall be elected, subject to the approval of the Chancellor. The elective principle is there; the only thing which is objectionable is the clause "subject to the approval of the Chancellor," and as he has pointed out, to meet the wishes of certain friends he has accepted that part of the proposition. If this House does not want that this election should be subject to the approval of the Chancellor, then any member of this House can move an amendment to the effect that that portion of the amendment should go, if that is the wish of most of the members of the House.

Then, Sir, another amendment is of my honourable friend Mr. Swaminarayan and my honourable friend Mr. Jadhav, that the Vice-Chancellor shall be elected by the fellows from among themselves. I ask honourable members whether you are going to lose ground bit by bit and say "This is not good," "This is not good," and ultimately lose everything. Therefore, I warn honourable members that everybody wants that his amendment should be carried, but it is much better to concentrate on one particular amendment and fight on that amendment, instead of dividing on different amendments. I appeal to all the members of the House that this is the best part of the amendment; therefore, concentrate on it and support it. Otherwise the result by division will be that you will lose everything and it will not be said that you have the practical sense as members of this honourable House.

Mr. L. M. DESHPANDE (Satara District): Mr. President, I want to bring to the notice of the House that there is no absurdity in the amendment brought forward by my honourable friend Mr. Pradhan. The honourable member Mr. Anderson said it is absurd to say that a two-thirds majority should be laid down, and the Chancellor should appoint the Vice-Chancellor, and if there is no two-thirds majority, what should be done, etc. I would point out an instance, that from the year 1907 up to nearly 1919-20 there was a Government Resolution by which the presidents of all municipalities were elected by a majority of two-thirds and the election was subsequently approved by the Governor or the Commissioner as the case may be. So, it can be said that we had legislation to this effect and it was being carried out. Of course, there were other things; for instance, if none was elected by a two-thirds majority, then Government always selected a person who got the greatest number of votes though not two-thirds. So, if an amendment in this form is needed, that would be that if two-thirds votes are

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not secured by any candidate, then, of course, the final power rests with His Excellency. But, then, His Excellency will naturally support the person who gets a majority of votes. If that is not clear, I think an amendment to that effect may be added and the amendment moved by the honourable member Mr. Pradhan may be accepted.

Rao Bahadur B. R. NAIK : I rise to a point of information from the honourable member. He said two-thirds majority was required in municipalities. Where ?

Mr. L. M. DESHPANDE : Yes ; in all municipalities.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, I feel some difficulty because the amendment which stands in my name was anticipated to a certain extent by my honourable friend who is sitting on my right. The amendment which I have proposed is intended to meet the wishes of both sides, as it were, and from that point of view I would rather appeal to him and the mover of the present amendment to wait and give a trial to the amendment that stands in my name. My reasons are these. The principle of election no doubt is accepted. But at the same time, there are.....

Mr. R. S. ASAVALE : I rise to a point of order. My point of order is that the honourable member has in his name one amendment below (on the Agenda) and he can speak whatever he wants at the time of moving it. It is now waste of time of the House, otherwise.

The Deputy PRESIDENT : I do not think there is any point of order at all. The honourable member is perfectly at liberty to follow any method he likes.

Rao Bahadur R. R. KALE : So, I was saying that the proposal which is now before the House, moved by the honourable member Mr. Pradhan, is one extreme, and besides the difficulties pointed out are also seen in the course which he has suggested. In order, therefore, to remove his difficulties, we have thought of a *via media* by which we might give the Senate power for electing five people, I mean persons fit from all points of view, so as to give the Chancellor a limited choice instead of leaving the choice of 150 or 160—whatever the number of the Senate may be. In order to give the Chancellor a limited choice, I think it is desirable to elect a panel of five, so that the choice of the Chancellor may be limited to those five. This proposal, therefore, meets the wishes of those who wish that the power of appointing the Vice-Chancellor should rest with the Chancellor ; at the same time, the principle of election is gained thereby. The honourable member Mr. Anderson is always fond of putting ancient history before us. But we are progressing and we have progressed. In fact, it is no use now going back on what we have done, and it is for that purpose that I appeal to him to consider whether it is not right for him to move with the spirit of the times and meet us half-way and give up the autocratic mode of thought, which might have been good at one time but which I submit has now outlived, and it is high time he was prepared to move side by side, especially when

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he is sitting on the Government benches. In this matter I think he is not tied down to vote one way or another. He should make up his mind to vote according to his own conscience, and I hope he will perceive that although this amendment—I agree with him—should not be supported, still he will not make up his mind finally but reserve his final judgment later on. With these words, I do not think that I should support the amendment that is now before the House.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I rise to support the amendment before the House. As a matter of fact we have already got an official Chancellor provided for and there is absolutely no reason why there should be any objection to the election of the Vice-Chancellor. The proposal does not seek to give an uncontrolled power of election to the Senate but it makes the election subject to the approval of the Chancellor. If any Vice-Chancellor is elected who for any reason whatsoever is not, in the Chancellor's opinion, fit to hold that office, then the Chancellor has power to withhold his sanction. There are various amendments proposed in regard to this subject and they will no doubt come up in their turn. But they all go to indicate that the principle of election should be applied to the office of Vice-Chancellor, and from this point of view I think there is nothing objectionable in the amendment before the House.

Mr. N. A. BECHAR (Karachi City): Sir, I am very sorry that the select committee was simply packed with people who somehow have given us recommendations quite contrary to the views expressed by this House when the consideration of the University Bill came up for the first reading.....

Mr. R. S. ASAVALE: Whose fault is it?

Mr. N. A. BECHAR: My honourable friend here asks "Whose fault is it?" It is quite difficult for us to apportion the fault either to one or the other party but at least the Government party which is the strongest in this House must be blamed. Last time when the question of election of the Chancellor and the Vice-Chancellor was being discussed on this University bill, a very strong plea was made for making the election of the Chancellor himself. Somehow we did not get sufficient strength on the non-official side to carry our point but at least we expected that the Honourable the Education Minister would make a certain advance or some kind of gesture and would come and meet us half-way in the matter of electing the Vice-Chancellor. In these days when you have the presidents of district local boards and the presidents of municipalities on the elective basis, I fail to see the fear which is being entertained on the Government side as to what will happen to the University if the Vice-Chancellor is elected. Sir, if the Honourable the Education Minister considers a body of most intelligent men in this presidency unfit for electing a Vice-Chancellor, then I think the time is come when we ought really to revise our whole opinion about this matter. Last time I pointed out that certain younger universities in

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provinces which are certainly considered backward, not major presidencies, but even in provinces like the United Provinces, the Delhi Province and other provinces, they have their vice-chancellors duly elected. Since the provision has been also made in the amendment that two-thirds majority will make the election of the vice-chancellor operative, I think a sufficient safeguard has been provided by that amendment and moreover, if you have a system of a single transferable vote and the process of elimination, then I am sure the best man who may have stood for election will get into the office. There should be no fear therefore on that score and more particularly since certain safeguards of approval and so on have been reserved in the hands of the Honourable the Education Minister, I am sorry to see the deadweight of reaction which has overtaken Government benches in making the slightest advance. If it is merely argued that we have to accept whatever the Government says, then I think it is no use our coming here, taking the trouble of leaving our own work and simply coming here and saying ditto, ditto to whatever the Minister may have in his mind. This is not a mere question of votes. I think on matters of principle we should be strict. You are not going to bring the university bill for amendment after an experience of two or three years, but this constitution is likely to govern the destinies of the university for a pretty long time, and unless the Honourable Minister wants this side of the House to always clamour at every session or at least after six months' time limit and bring up a bill every now and then to amend that clause, I think he should show a certain amount of gesture. We will be quite prepared, if this amendment does not meet with his wishes, to further provide certain safeguards, but I think that certain advance ought to be made. From the university downwards, the whole of our educational activities are controlled by the university, and I fail to see that when this whole department of education is a transferred subject, why the Minister or the Government should refuse to transfer in spirit and in effect any of the control which they have held for all these ages. This transference of subjects in name ought not to deceive anybody. If you want to transfer merely to beguile us and merely to camouflage the people into believing that any real power has been given to the people, I think it is high time that we ought to put up a strong fight in this matter. We expect the Honourable the Education Minister to take courage in both his hands and to show that in his tenure of office, although he is not able on account of the financial stringency, to make advances in any other directions, that at least in the matter of making the university representative of the people, he is, where it is possible, willing to make an advance in the right direction. But, Sir, what do we find? We find not the slightest advance in any direction and even in this matter after so many years of experience, after so many years of the existence of the Bombay University, we find that the Bombay Presidency has not been able to produce a single person that can command our confidence in the work of carrying on the administration with the help of the votes of his own people and therefore I say that the whole university administration and the

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administration of the Government of Bombay is writ large as the greatest failure in the history of the administration of transferred departments.

I do not wish to go further into the constitutional matters, but when the Reforms Committee or the Montagu-Chelmsford Committee began to examine witnesses and to make recommendations, a very very strong plea was made by the Indian witnesses that the subject of education should be fully and thoroughly transferred. The Montford Report acknowledged the failure of Government to carry on the work of education to the entire satisfaction of India, but they said whatever may have been the position in the past, they are going to make amends for the future and this is the amends that the Honourable the Minister of Education, who is an elected member and who is supposed to have the confidence of the people and who is also supposed to express the sentiments of the elected representatives, is making by opposing a very small and to my mind a very minor amendment proposed by my honourable friend from Nasik. I will be very sorry if he puts up a strong fight but I hope that at least this side of the House will be unanimous in strongly expressing by our votes the decision of the House that we do not want and we will no more have the Vice-Chancellor nominated by the Governor and to carry on the Government by transferred department only in name but in reality by one autocrat who rules and sways the destinies of this Presidency.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I wish to move an amendment to this amendment as follows:—

*Add, after the word 'elected' in line 1, the words 'by ballot' and omit the words 'two-thirds.'*

Sir, my amendment will show to this House that I am in sympathy with the amendment moved by my honourable friend Mr. R. G. Pradhan; but, Sir, I have my own difficulties about the two-thirds majority. Suppose, Sir, the Senate cannot hit upon a two-thirds majority—I think this point was touched upon by the honourable member Mr. Anderson—it is just possible that even after the final elimination the last candidate might have just a bare majority of one or two. In that case, the Senate will have over and over and over again to go in for fresh elections. But it is just possible that the fresh elections might show the same results. Therefore, to avoid that difficulty, I think we can trust a body like the Senate to pitch upon a man who will be elected by a majority.

The second point, Sir, is the system that I want to introduce, and it is a very salutary system, namely, election by ballot. The amendment of my honourable friend Mr. Pradhan did not mention that. In the Bombay Corporation and in many other bodies this system of election by ballot has proved very salutary, and the results have always shown that the best man is always elected. Sir, in open voting, as we all know, very strenuous canvassing goes on, and the best man does not always succeed. I think, in order to safeguard that contingency, the House will consider whether my amendment of having this election by ballot should not be adopted. The time has certainly come when a body like

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the University will have to elect its own Vice-Chancellor, and we can depend upon a body like the Senate to elect the proper man; and of course, as we always respect higher authority, it will have to be sanctioned by the Vice-Chancellor. Therefore, I place my amendment before the House for its acceptance.

Mr. R. G. PRADHAN (Nasik District): Sir, I am prepared to accept the amendment of the honourable member Mr. Marzban.

Mr. B. G. PAHALAJANI: Am I right in thinking that if this amendment, which is accepted by the honourable member Mr. R. G. Pradhan, is lost, the original amendment also goes out?

The Honourable the PRESIDENT: Certainly.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I wish to move an amendment to the amended amendment, dropping the words "His election shall be subject to the approval by the Chancellor."

Mr. J. B. PETIT: Sir, I rise to a point of order. This amendment is in effect the same as the one we have disposed of. If it is allowed to be put forward for the consideration of this House, I submit that it will lead up in substance to the previous amendment which has already been rejected. As the position now stands the "two-thirds majority" goes out and the approval of the Chancellor also goes. Then what remains? Thus in effect this amendment, if allowed becomes the amendment which we have already discussed and disposed of with the provision of three years instead of two: and I submit, Sir, that it should not be allowed.

The Honourable the PRESIDENT: That is so. I quite agree. It is the same as the amendment which has been rejected, except that the period is different. I cannot allow it.

Mr. J. C. SWAMINARAYAN: Sir, the object of moving the amendment was that we have to arrive at the intention of the House by grades. The first grade is that of pure, simple and unadulterated election, and then there was another grade, that is to say, election by two-thirds majority. Now, in view of the fact that the honourable mover of the amendment has accepted the amendment requiring election by a majority that difficulty disappears. But the honourable mover still requires the approval of the Chancellor to the election of the Vice-Chancellor. I do not understand why the honourable member who was of opinion that the Chancellor himself should be elected now comes in and requires the approval of the Chancellor for the purpose of the final sanction to the election of the Vice-Chancellor. Sir, we wanted to proceed by these degrees, that is to say, first of all pure, simple and unadulterated election should be put before the House, so that the House may be in a position to judge what it is able to carry. Just now, if we take up this amendment, the difficulty will be that if this amendment which requires the approval of the Chancellor to the election of the Vice-Chancellor is carried, then there will be no chance for us to move an amendment for the election of the Vice-Chancellor without the approval of the Chancellor.



Rao Bahadur R. R. KALE : I rise to a point of order. I understand the honourable member's amendment has been disallowed.

Mr. J. C. SWAMINARAYAN : I am opposing the amendment before the House. Therefore, it would have been much better if my amendment which requires the election of the Vice-Chancellor without the approval of the Chancellor had been taken up first, because that is the extremest amendment. Those who would like that the amendment in its extremest form should be passed would not be able to vote for this amendment, and the result would be that this amendment will be thrown out, and there will be less chance for the other amendment when it comes up before the House.

The Honourable the PRESIDENT : Which is the other amendment ?

Mr. J. C. SWAMINARAYAN : The last amendment :

" In section 10 of the amended bill, drop the words 'The Vice-Chancellor who 'and substitute the words 'The Vice-Chancellor shall be elected by the Fellow from among themselves and.' "

May I know whether I shall be allowed to move this amendment when it comes up ?

The Honourable the PRESIDENT : How does it arise ? There is an amendment and an amendment to an amendment before the House. That must be disposed of first.

Dr. M. K. DIXIT : Sir, at this stage if you give your ruling we shall decide our vote on the amendment before the House.

The Honourable the PRESIDENT : I think it is the same as Mr. Ginwalla's amendment which was rejected by the House. Therefore when this amendment is reached I shall have to say that 'it is out of order.'

Mr. JAIRAMDAS DOULATRAM : The honourable member Mr. Ginwalla's amendment did not suggest that the election of the Vice-Chancellor should be confined to the fellows, but here there is a limitation that it should be from among the fellows of the senate themselves.

The Honourable the PRESIDENT : We shall deal with that amendment when it is reached. Has the honourable member finished ? There are only five minutes.

Mr. A. D. SHETH : That is one more trouble and it is the greatest trouble.

Mr. J. C. SWAMINARAYAN : I reserve my remarks to that amendment when it is reached. If the present amendment is put to the House I will vote for it.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I rise to support the amendment of my honourable friend Mr. Pradhan as amended by the honourable member Mr. Marzban. I do not wish to go over the arguments which have been advanced in favour of an elected Vice-Chancellor, but, I wish to point out one important thing which has struck me. It is contemplated to give this power under this Act to the Chancellor. I ask in all earnestness who is going to suggest to His

[Mr. Hooseinbhoy Abdullabhoy Lalljee]

Excellency the name for the Vice-Chancellorship? We know very well that this is a transferred subject. We know very well that, this being a transferred subject, His Excellency is bound to carry out the recommendation of the Minister. The nomination of the Vice-Chancellor by the Chancellor will be advised by the Honourable Minister of Education. Putting it more strongly if His Excellency is not bound to carry out the advice of the Honourable Minister then I think the administration of the transferred subject will be a farce. Furthermore, the Honourable Minister will not care to commend the proposal made by the Senate to His Excellency for fear that it will not be carried out by him. This nomination by the Chancellor means that the Minister shall be the person who will suggest the name for the Vice-Chancellorship. I ask whether it is right that the university should not be entrusted but the Minister in charge of the transferred department should be entrusted with the appointment of the Vice-Chancellor. I do believe that this House will be well advised in leaving this matter to the senate to appoint the Vice-Chancellor. Therefore I support the amendment.

The Honourable the PRESIDENT : As there are several honourable members who wish to speak I adjourn the House till 2 p.m. on Monday, the 3rd October 1927.

3 OCT. 1927]

*Monday, the 3rd October 1927*

The Council re-assembled at the Council Hall, Poona, on Monday the 3rd October 1927, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW Mr. T. A.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, SIR VASANTRAO  
 DASTUR, Khan Bahadur F. M.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESAI, Rao Saheb D. P.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 Dny, Mr. H.  
 DROUBID, Mr. A.  
 Dny, Mr. C. G.  
 Dny, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HAMILL, Mr. H.  
 HATCH, Mr. G. W.  
 ISLAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.

JEHANGIR, the Honourable Sir COWASJI  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHHRO, Mr. M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. R. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAJ G  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.  
 WINTERBOTHAM, Mr. G. L.  
 The Honourable the PRESIDENT : Order, order.

*(Further consideration of Bill No. XXI of 1927—Bombay University Bill—resumed.)*

**Question again proposed :**

For clause 10, substitute the following :

“ The Vice-Chancellor shall be elected by ballot by the fellows from among themselves by a majority of those present at a meeting of the Senate called for the purpose. His election shall be subject to approval by the Chancellor. He shall hold office for three years, and shall be eligible for re-election.

Mr. B. V. JADHAV (Satara District) : Sir, I rise to support the amendment moved by my honourable friend to my left (Mr. R. G. Pradhan). I was in the beginning in favour of a nominated vice-chancellor, but I now think it would be much better if we had an elected vice-chancellor. I do not think I need waste the time of this House by detailing the reasons which led to the change in my opinion ; but as the university is now going to be popularised and democratised, it is much better that the vice-chancellor should be elected rather than be nominated.

Mr. R. G. PRADHAN (Nasik District) : I regret, Sir, that the Honourable the Minister of Education has not been pleased to show me the courtesy of stating his attitude on this amendment. I submit that it is rather unfair. He ought to have risen and expressed what he thinks about this amendment before this. I feel somewhat embarrassed in replying to the debate owing to the fact that the Honourable Minister has not been so good as to show me this courtesy which he ought to have shown to me.

I am gratified that in the course of this debate very few voices have been raised against the principle of an elective vice-chancellor. My honourable friend the Settlement Commissioner objected to the amendment as originally proposed on two grounds. His first ground was that the two-thirds majority that I suggested in the original amendment would be difficult to obtain. Now that that form of the amendment goes away, I do not propose to answer that objection, though I do not think that the difficulty on that point will be so great or so insuperable as the honourable member Mr. Anderson seems to imagine. Then, his second objection to the amendment was, what would happen if the election of the vice-chancellor is not confirmed by the Chancellor ? That was the second objection which he took to my amendment. The honourable member Mr. Anderson seems to forget that we have an exactly similar provision in this legislature in connection with the election of the Deputy President and the President. The election of the Deputy President and also the President is subject to approval by His Excellency the Governor. There are no difficulties in the way of that, and I for one absolutely fail to see why any difficulty should crop up if the election of the vice-chancellor is not approved of by the Chancellor. I take it that the Chancellor is a man of common sense ; I take it that he is a fairly reasonable man, and he will not veto the election of the vice-chancellor by the Senate except for reasons which he considers are very strong. Therefore it is obvious,—it ought to be obvious to the honourable member—that the contingency which the honourable member

[Mr. R. G. Pradhan]

imagines cannot but be very remote. Secondly that remote contingency can be provided for by the Senate by means of rules or regulations in such a matter. Therefore, that particular objection has no substance whatever.

And the only question, therefore, which this honourable House has to consider is whether, in view of the democratisation of the university which the bill attempts, the provision of an elective vice-chancellor will or will not be consistent with the principle and the policy underlying this new bill. It has given me immense pleasure indeed to have received the support of my honourable friend to my right (Mr. B. V. Jadhav).

An Honourable MEMBER : What did you expect ?

Mr. R. G. PRADHAN : I may have expected it or I may not have expected it. But I did expect support from my honourable friend Mr. Pahalajani, but I do not know what has happened. He has become nervous since the Council adjourned on Saturday and I only heard his whisper just now. The very fact that no honourable members have come forward to speak, but keep mum makes me suspicious that something has happened in the interval which perhaps will produce results which may be as unexpected as astounding. However I should certainly hope that the popular party is firm and will not be prepared to barter their principles for a mess of pottage. In spite of the manoeuvring, or wire-pulling or influencing or canvassing that seems to have taken place, I have every hope that the elected members of this honourable House will realise their responsibilities to their constituencies and to the general public. I challenge honourable members to lay their hands on their hearts and say whether the principle of an elective vice-chancellor is not one that appeals to the majority of the people. I do not understand why any man should fight shy of an elective vice-chancellor, though the attitude of the Honourable Minister of Education makes.....

Mr. B. G. PAHALAJANI : I rise to a point of order. The honourable member is replying to the debate on the amendment which he moved. No member has spoken on the principle of nomination and I want to know how the honourable member can speak about it in reply.

The Honourable the PRESIDENT : I am sure the honourable the mover of the amendment is experienced enough to know what he ought to say in reply.

Mr. R. G. PRADHAN : I have no doubt whatever that no reasonable or sensible member of this House will fight shy of the principle of an elective vice-chancellor. Somebody whispers " what is the mandate of my party ? " The mandate of my party clearly and distinctly is this, that the vice-chancellor should be elected and I have every hope that the mandate of the party to which my honourable friend belongs is not different.

Now coming away from these interruptions I do not think that any reasonable and sensible member of this House would fight shy of the

[Mr. R. G. Pradhan]

principle of election and I cannot conceive of the honourable gentleman who occupies the office of the Minister for Education and who has been returned on the ticket of the Independent Congress Party which has very little difference from the party to which I belong, fighting shy of this principle. Does it lie in the mouth of any one of us who have come here through the door of election and not through the back-door of nomination, to say that the principle of election as applied to the vice-chancellor will be detrimental and injurious to the growth of the university, will be injurious to the interests of higher education? Sir, the senate more or less corresponds in the sphere of higher education to this Legislative Council. Suppose, Sir,.....

The Honourable the PRESIDENT : Order, order. I certainly think that the right of reply affords a member an opportunity to reply to objections that may have been raised. It does not mean making a second speech.

Mr. R. G. PRADHAN : I think, Sir, as a matter of fact very few objections have been raised. I have disposed of the two objections which were raised by the honourable member Mr. Anderson. But, Sir, may I appeal to the Chair that I feel embarrassed by the silence maintained by many honourable members of this House? I appeal to the Chair that it is rather embarrassing to me that I should not have heard the views of the Honourable Minister. If his silence is to be construed as meaning that he also supports the principle of an elective vice-chancellor so much the better.

To summarise, there are only two points whether we are going to have a vice-chancellor directly elected by the Fellows or whether we are going to have a vice-chancellor from among a panel. These are two issues and I take it that the principle of an absolute and unadulterated nomination will not find favour. I hope I am not labouring under a delusion. When these are the two distinct issues I put it to the House why should there be a panel at all? Why not have the vice-chancellor elected from the Fellows? So the issue is simple. I have every hope that this part of the House will stand for the principle of election and reject the principle of appointment.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose the amendment of my honourable friend Mr. Pradhan. At present as honourable members are aware the senate of the university is nominated to the extent of four-fifths, that is about 80 members are nominated. This bill seeks to democratise the constitution of the Senate to a very large extent. We do not know how the machine which is being put into operation would work and until we have seen how it works it will be rather risky to have an elected vice-chancellor. If the vice-chancellor is to seek election every two years he would always be in fright to the end of his term and the chances of his re-election would mar his independence and the working of the machine that we are setting up may not be smooth.

[Dewan Bahadur Harilal D. Desai]

I therefore submit, Sir, to the honourable House that however much in theory we may be in favour of an elected vice-chancellor, looking to the experiment on which we are engaged, they would consider it safe for the present to allow the Vice-Chancellor to be appointed by the Chancellor. In the other Indian Universities, Punjab and Calcutta, the Vice-Chancellor is appointed by the Chancellor. It is only in Delhi.....

MOULVI RAFIUDDIN AHMAD : What about Madras ?

The Honourable Dewan Bahadur HARILAL D. DESAI : In Madras, as my honourable friend wants to know, in Rangoon, in Lucknow and in Dacca, the vice-chancellor is a whole-time officer ; therefore, he is a salaried man and his case is quite different. There is the case of Delhi, where there is a part-time vice-chancellor appointed by the Chancellor from the names recommended by the Senate. But we have been hearing how the affairs of the Delhi University are going on. Under those circumstances, my request to the honourable House is that they should go slow and, therefore, rule out the amendment of my honourable friend and let the clause stand as it is.

Mr. P. J. MARZBAN : I understand the honourable member Mr. Pradhan accepted my amendment to add the words " by ballot " in line one and to delete the word " two-thirds " from his amendment.

The Honourable the PRESIDENT : Yes ; the amendment which I now put to the vote will, therefore, be :

" The Vice-Chancellor shall be elected by ballot by the Fellows from among themselves by a majority of those present at a meeting of the Senate called for the purpose. His election shall be subject to approval by the Chancellor. He shall hold office for three years, and shall be eligible for re-election."

Question put. House divided ; Ayes, 23 ; Noes 56. Motion lost.

*Division No. 3.*

#### Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab.

AHMAD, MOULVI RAFIUDDIN

ABHEDKAR, Dr. B. R.

ASAVALE, Mr. R. S.

BECHAR, Mr. N. A.

BHUTTO, Khan Bahadur S. N.

GINWALLA, Mr. F. J.

HAJI MIR MAHOMED BALUCH, Mr.

JADHAV, Mr. B. V.

JOSHI, Mr. S. C.

KAMBLI, Rao Bahadur S. T.

KUHHRO, Mr. M. S.

LAGHARI, Khan Sahab RAIS FAZAL MUHAMMAD.

LALLJEE, Mr. HOOSEINBHOY ABDULLA-BHOY.

MARZBAN, Mr. P. J.

NOOR MAHOMED, Mr.

PATIL, Rao Sahab D. R.

PRADHAN, Mr. R. G.

RAHIMTOOLA, Mr. HOUSENALLY M.

SYED MUNAWAR, Mr.

THORAT, SARDAR S. B.

VANDEKAR, Rao Sahab R. V.

WASIF, Mr. G. A. D.

*Tellers for the Ayes :* Mr. R. G. PRADHAN AND Mr. P. J. MARZBAN.

#### Noes

AMIN, Mr. H. J.

ANDERSON, Mr. F. G. H.

ANDREW, Mr. T. A.

ATAVANE, Mr. A. M.

BALAK RAM, Mr.

BHOSLE, Mr. M. G.

BROWNE, Mr. D. R. H.

CHIKODI, Mr. P. R.

DABHOLKAR, Sir VASANTRAO

DASTUR, Khan Bahadur F. M.

DESAI, the Honourable Dewan Bahadur HARILAL D.

DESAI, Mr. J. B.

DESHPANDE, Mr. L. M.

DIXIT, Dr. M. K.

DOW, Mr. H.



Noes—*contd.*

DUGUID, Mr. A.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 HAMILL, Mr. H.  
 HATCH, Mr. G. W.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHANGIR, the Honourable Sir COWASJI  
 JOG, Mr. V. N.  
 KALE, Rao Bahadur R. R.  
 KARKI, Mr. M. D.  
 LAIJI NARANJI, Mr.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MEHTA, the Honourable Sir CHUNILAL.  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 OLIVEIRA, Mr. F.

PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 THAKOR OF KERWADA, the  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 WEBB, Mr. M.  
 WILES, Mr. G.  
 WINTERBOTHAM, Mr. G. L.

*Tellers for the Noes :* Mr. F. G. H. ANDERSON AND Mr. C. G. FREKE.

*Clause 10* ordered to stand part of the bill.

*Clause 11 (Powers of the Vice-Chancellor)* ordered to stand part of the Bill.

*Clause 12 (The Rector).*

(1) The Senate may create the office of the Rector by a statute to be framed by a majority of at least three-fourths of the whole number of Fellows.

(2) The Rector shall be a whole-time salaried officer of the University. He shall subject to the approval of the Government, be appointed by the Senate and shall have rank and precedence next after the Chancellor and the Vice-Chancellor.

(3) The Senate may, subject to the provision of this Act, frame Statutes prescribing the manner of appointment of the Rector, the salary and conditions of his office and his powers and duties.

Mr. B. V. JADHAV (Satara District): Sir, I move the following amendment :—

“Delete Clause 12.”

Clause 12 makes provision for the appointment of a rector. It is a new appointment on the university establishment and it will be very useful when the post-graduate teaching is fully developed. Post-graduate teaching ought to be developed as early as possible. But the present state of the finances of the university, I think, gives no hope that there will be a very great development in post-graduate teaching in the near future. Nor are the finances of the presidency so very prosperous as to give us any hope that Government will be in a position to make large grants towards the development of post-graduate education. Therefore I say that there is no prospect of sufficient work being provided for this new appointment for some years to come. The appointment is to be a highly paid one, about three thousand rupees a month, I believe and there are bound to be other incidental expenses. There will not be sufficient work for the rector and it is not at all necessary to make the appointment for some years to come and therefore there is no necessity of keeping this provision in the Act. It might be urged, Sir, that the provision in the Act should now be made and when the necessity arises

[Mr. B. V. Jadhav]

after some years for making the appointment this provision would be taken advantage of. With this very object, Sir, the provision was retained in the select committee that the election of the rector should be dependent upon a three-fourths vote of the Senate. I think that it is not at all necessary to make this provision now and to make the counter-provision for having three-fourths majority in order to stop its premature use. It is very difficult to secure a three-fourths majority, because it is not I think general that so many members attend a meeting of the Senate, and if this provision of three-fourths majority is taken away, there is the danger that the appointment of the rector may be sanctioned by means of a catch vote. In order to avoid this fear, it will be much better for the provision to be omitted altogether. I think that it will not be very difficult to pass an amending bill when a necessity arises. Government can introduce a bill of a few sections making provision for the appointment of the rector and the bill could be passed through all the three readings at one session. Much time will not be lost. Whenever the necessity of a rector arises a bill can be drafted and got through all the three readings in this House in a few days. The remedy of a special amending bill is much better and I think will be more convenient than the present remedy adopted of getting this clause inserted in the bill and then also providing that the appointment should not be made without a three-fourths majority. I therefore move that the clause 12 should be deleted.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I support the amendment moved by the honourable member Mr. Jadhav. The only financial clause which has been granted sanction is the clause proposed by the honourable member Mr. Munshi. The Government have granted sanction only to a financial amendment which provides the grant which would be paid in the budget for 1927-28. Government are not going to give anything more than what they are paying at present. Therefore the saddling of the University with an expenditure over the appointment of a rector when he is not necessary should not be permitted by this House. The select committee also has introduced a change in this section which practically renders the creation of the post of a rector almost impossible, and when the post of the rector has to be created an amending bill will have to be brought, because a majority of at least three-fourths of the whole number of Fellows for the purpose of creating the post of rector will be practically impossible. Therefore this provision is likely to be one merely remaining on the statute book, which will be practically inoperative on account of the addition of the words "by a statute to be framed by a majority of at least three-fourths of the whole number of Fellows." It is therefore necessary that this clause should be deleted altogether, and the university need not be saddled with a new post when its finances are not going to be helped from Government Treasury. Sir, when the necessity for the appointment of the rector arises, there might be a small amending bill, and the post of a rector can be created at that time. It is no use legislating for the future, for an occasion which

[Mr. J. C. Swaminarayan]

may arise after 7 or 10 or 12 years. Therefore, this clause should be deleted altogether and I support the amendment of the honourable member Mr. Jadhav.

Mr. R. S. ASVALE (Bombay City, North) : Sir, I rise to support the amendment moved by the honourable member Mr. Jadhav, for the simple reason that for the last two days we have heard honourable members saying in this House that the University has not got plenty of money to cope with the present needs of the University, and it will not get any assistance from Government for years to come ; and yet Government are ready to create an additional post of rector and this is going to be accepted by some of my Colleagues. In fact, such a post is not existing in the University at present, nor would it be required, as the select committee has stated in their report, for some years more. I do not see any reason why the University should be saddled with this additional appointment of a highly paid officer without their demanding for it from the Government, when there is already a paid person doing the work, namely, the Registrar. With these few remarks, I would support the amendment.

Dr. B. R. AMBEDKAR : Sir, I rise to support the amendment of my honourable friend Mr. Jadhav. It has been said by the honourable members who have preceded me that in the present financial circumstances of the University this office will be an additional burden upon the meagre resources of the University. I think that argument is very cogent in itself, and in the few remarks that I wish to make, I should like to say that the office, administratively speaking, would be a superfluous one. Sir, I find that in 1914 the University of Bombay invited Sir Alfred Hopkinson, the Vice-Chancellor of the Manchester University, to advise the University upon a scheme of research proposed by the University, and I find, Sir, that officer making a report to the effect that this officer is not necessary. He is reported by the Committee on University Reform, on page 9, to this effect :

" He was not in favour of a salaried administrative head of the University and proposed to solve the difficulty of getting the increasing work done by employing a full-time Registrar and a paid full-time Secretary to the Joint Matriculation Board and by making more use of the University and College Professors for University administrative work. "

If that was the opinion of such an expert as Sir Alfred Hopkinson in 1914, I do not see what new circumstances in the intervening period have arisen to compel us to force this officer upon the University. Further, I find that the office of the rector has no defined duties which he can perform. I find it stated on page 162 of the report of the University Reform Committee that the Vice-Chancellor is to exercise general supervision over the University, and to have the power to see that the Act, Statutes and Ordinances are observed. Now, Sir, referring to the position of the rector, the University Reform Committee also states on the same page that he is to hold office for five years and to be eligible for re-appointment, to be the principal executive and academic officer of the University and it is to be his duty to see that the Act, statutes and ordinances are faithfully observed. and

[Dr. B. R. Ambedkar]

he should have all the powers necessary for this purpose. I do not see what is the difference between the duties attached to the office of the Vice-Chancellor and the duties that are going to be attached to the position of the rector. If the position as stated in the report of the University Reform Committee is what I have just placed before the House, then I do not understand how this office differs from that of the Vice-Chancellor on the one hand and from the office of the Registrar of the University on the other because I find on page 163 of the report of the same Committee stated that in the absence of the rector the Registrar will carry on his duties. Obviously, therefore, I do not see that the office of the rector is going to be in any sense distinct from that of the Vice-Chancellor and the Registrar, and therefore calling for the appointment of a distinct officer. It is superfluous and in the present circumstances a burden on the University. On these grounds, I support the amendment of my honourable friend Mr. Jadhav.

The Honourable the PRESIDENT : I should like to remind the House at this stage that amendments of this kind, which are for the omission of whole clauses, are negative amendments, and they are therefore no amendments.

Mr. JAIRAMDAS DOULATRAM : Do I understand it, Sir, that the mover of such an amendment has no right of reply ?

The Honourable the PRESIDENT : That is so.

Rao Bahadur R. R. KALE (Satara District) : Sir, the question before the House is whether clause 12 should be allowed to stand or it should go. In the first place, it seems to me that it is a very innocent clause, and that there has been some misapprehension about its meaning, because this Act does not create the office of rector at all. It says, the Senate may create the office of the rector, that is to say, it is merely an enabling clause ; it gives power to the Senate, if ever hereafter the occasion arises, to create an office of this kind. Further, the select committee has inserted a safeguard, making the creation of this office dependent upon the votes of a majority of at least three-fourths of the whole number of Fellows. So, it is not at all easy to see what danger there is in giving this power to the Senate, by which this office is created, if and when the funds of the University will permit it. We must trust that the senate is a body composed of men belonging to many professions and further now it has been much more democratised. Surely we can trust that the senate will exercise its power when it will be within its competence to pay an officer of this position. The clause as it stands by no means encumbers the university by making it liable to incur the pay of this officer. Under these circumstances it seems to me that the clause is innocent and an enabling provision which may be allowed.

It was stated by the honourable member Mr. Swaminarayan that the university has no funds. Surely if Government is going to pay some grant and if the university in other ways is going to get money it will have sufficient money to pay for this officer when the post is created.

[Rao Bahadur R. R. Kale]

Therefore there need not be an apprehension about the shortage of funds. For these reasons I support the clause.

Rao Saheb D. R. PATIL (East Khandesh): Sir, I rise to support the amendment moved by my honourable friend Mr. Jadhav. I am really surprised to hear the arguments advanced by the honourable member Rao Bahadur Kale. I am sure that if he had intended to speak in favour of the amendment, he would have advanced cogent arguments, because he is a pleader. The honourable member Rao Bahadur Kale thinks that if the financial circumstances permit the senate will create the appointment. The argument is sound in itself. My point is this. First provide the money and then create the post of a rector. Suppose that you want to build a bungalow. Will you write it in your private note-book that you will build a bungalow provided you get money? That would be nonsense. First provide money and then think of a bungalow. I have no quarrel with the appointment of a post like this, if there is any necessity for it. The honourable member Mr. Jadhav has already stated to the House that if there is any real necessity for the appointment of this officer Government can bring in an amending bill, when we shall be very glad to support Government. I do not want at this stage to say whether there is a necessity for the appointment of a rector because that clause is really fine inasmuch as under it, unless three-fourths of the whole members of the Senate want a rector, no rector will be appointed. I do not want to speak at length about that innocent clause as the honourable member Rao Bahadur Kale put it. In short as long as there is no necessity about any clause why should we make any provision now for that? First have the necessity and then provide for it. For this reason I support the amendment moved by the honourable member Mr. Jadhav.

Mr. H. HAMILL: I want to oppose this amendment, Sir. The arguments in favour of the amendment seem to be three. The first is that the clause as it stands makes the creation of the post of rector practically impossible. Those who do not want the rector to be appointed will have no grounds for objecting to the clause; because they themselves say that, when the clause stands as it is, the rector cannot be appointed.

The second argument advanced is that a rector at the present time is not necessary. That argument I challenge. I should say that every member of the syndicate at the present time is aware that the syndicate are unable to examine the matters that come before them thoroughly and give to them the consideration which they require. The only person who can deal with the business of the university, even as it stands at present, is a man who can give up the whole of his time to it. The university is at present considering the inauguration of a scheme of post-graduate studies. Before such a scheme is launched we should have a man like the rector to think out and advise us on what lines we should proceed. Actually we have been making out schemes in a patch work sort of way. We require some one to devote his whole-time to the development of the work of the university.

[Mr. H. Hamill]

In the third place it has been argued that funds are insufficient at present. I do not think that will be a serious objection. Considering the money which the university saves at present and the money which it receives from Government I think there are sufficient funds to pay for a rector and pay for the university professors. Looking at the question from the point of view of the university, the portion of the funds required for the pay of the rector will be excellently spent and the appointment of the rector will more than repay the university for the immediate present and for the future. But I do not propose.....

The Honourable the PRESIDENT : I think the honourable member may move his amendment at this stage, because the amendment of the honourable member Mr. Jadhav is no amendment in the real sense. Honourable members can oppose the clause in any shape they like even now. Now, the difficulty is that if I put the motion whether the clause stands or not, the other amendments to the same clause cannot be put supposing it is passed. Therefore, I call upon the honourable member to move his amendment at this stage.

Mr. H. HAMILL : I do not want to move that amendment. I want to press on the House the desirability of retaining the clause which empowers the senate to create this office. I do not think the opposition has the slightest ground to fear that the post will be created unnecessarily.

The Honourable the PRESIDENT : I understand that the honourable member does not propose to move his amendment.

Mr. H. HAMILL : It is so.

Mr. R. S. ASAVALE : The honourable member has not explained what the functions of the registrar are and what the functions of the rector are. Where was the necessity of putting the word " may," if the post of the rector is most important ?

Mr. H. HAMILL : The clause is an enabling clause to enable the senate to create the post when it is necessary. We are convinced that there is such an amount of work in the university as will occupy the whole time of a man in guiding and directing the work of the university. The duties of the rector will be to co-ordinate the work of the various departments of the university when they are created and give decision upon many questions which at present are referred to the syndicate and which in my opinion need not be referred to the syndicate. Many details concerned with university departments could be settled by the rector if such an official were in existence, and his presence would save the time of the syndicate and would also save a considerable sum of money to the university by the diminution of the number of meetings of the syndicate.

The Honourable the PRESIDENT : The information asked for particularly aimed at one thing, namely, how the duties of the Rector would in the main differ from those of the Registrar.

Mr. H. HAMILL : At the present time the Registrar is officially the secretary of the Senate and the secretary of the Syndicate, and it does not come within his functions to initiate any policy whatsoever.

The Honourable the PRESIDENT : There is one amendment noted down in the agenda in the name of the honourable member Mr. Ginwalla. This is the second one to his credit which is wrongly placed ; it ought to be to clause 13.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, now that there is no amendment, I will oppose this clause. I find that a number of honourable members have no idea of the functions of a Rector : the idea of the functions of a Rector is very nebulous in their minds. The duties of a Rector are not defined in the bill, and we do not know where he stands between the Vice-Chancellor and the Registrar. Therefore this legislative body can safely dispense with this clause. It may be that in the future the Bombay University will have post-graduate studies, and it is just possible that then we may require a Rector for the University, but then we can very easily come back to this House for an amending clause to this bill. If the present clause is passed now, I submit that it will be a sort of temptation thrown to the Senate to create the post. That is my submission, and this power of determining whether their finances permit the appointment of a Rector or not should not at the present juncture be left to the Senate. My honourable friend Rao Bahadur Kale stated that we could very well trust the Senate not to appoint the Rector until it is necessary. I submit, with all respect to my honourable friend Rao Bahadur Kale, that a little while ago he had no trust in the Senate for electing a Vice-Chancellor ; now he says that we can trust the Senate not to appoint a Rector until it is necessary. I am very glad, Sir, to find that this change has come over my honourable friend Rao Bahadur Kale. We understand that the honourable member Principal Hamill would like the Senate to create the office of Rector even without a two-thirds majority.

Mr. H. HAMILL : Sir, I do not think I suggested that. I have drawn the amendment.

Mr. P. J. MARZBAN : I am very glad to know that he does not move it. At the present stage the House will do well to delete this clause. We can think of having a similar clause when the time comes.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I rise to support the amendment.

An Honourable MEMBER : There is no amendment.

MOULVI RAFIUDDIN AHMAD : I rise to support the amendment.

The Honourable the PRESIDENT : There is no amendment. That is only the deletion of the clause.

MOULVI RAFIUDDIN AHMAD : Sir, I support the amendment.

Mr. JAIRAMDAS DOULATRAM : Sir, I think the Chair has ruled that there is no amendment.

The Honourable the PRESIDENT : There is no formal amendment. The honourable member has called that an amendment which I have declared is not an amendment.

MOULVI RAFIUDDIN AHMAD : I find, Sir, there is considerable difference of opinion in the Senate about this clause. I think the preponderating—I would rather say the predominating—opinion of the Senate will be for the deletion of this clause. Sir, I really do not understand what the object is of those who want to support this clause and insist upon it. My honourable friend from Satara a very distinguished lawyer, comes forward and says that it is a harmless clause, let us have it. But are we here to make provision for harmless and innocent clauses ? Is legislation necessary for this ? I thought legislation was necessary only for matters urgent.

An Honourable MEMBER : For harmful purposes.

MOULVI RAFIUDDIN AHMAD : I hope I would be allowed to go on my own way. There is no urgency about this. The clause does not confer any immediate benefit upon the University ; it says the University “ may ” do so. The University may do many things in the future ; moreover we do not require the permission of the Government or that of the legislature at the present time. When we are in a position to make the appointment we shall come for the permission. Now we are not in a position and may not be in a position for the next 25 years ; we may safely drop the clause. I can understand my honourable friend Mr. Hamill supporting this clause. I think all principals and professors want this, because there are sure to be candidates for it in their class and they want this office to be created as soon as possible. As a member who has to watch the public purse, I am not in a position to support this clause unless Government comes forward with three lakhs of rupees to enable us to appoint a Rector. The honourable member Mr. Hamill very well knows that the Senate is not very particular about this clause. My honourable friend the Minister is not very particular about anything. Any person may bring anything to the transmuting alchemy of his somewhat smoky crucible and he is ready to accept it. I would rather like to know whether he has any opinion or policy. The best thing, it appears, is not to have any opinion about anything, because then they can easily accommodate themselves to any view. Only two or three persons have spoken in favour of the clause ; nobody has come forward to say that it is absolutely essential, that the University requires it, that the graduates require it, that the under-graduates are waiting for it. My honourable friend behind me (Mr. Asavle) was quite right in asking what the nature will be of the duties of the Rector. No one seems to have a clear idea about them. When the University will be in a position to establish technological institutions, when Government will give it the money to enable it to expand and strengthen institutions for spreading knowledge, then we may think of this office ; but at the present time I do not think it is required. May I ask of those who support this clause, what will be the harm if the questions were postponed for ten years ? Will there be any harm done if we ask the honourable



[Moulvi Rafiuddin Ahmad]

Minister to introduce an amending bill when we are ready for it ? It is useless to say that it is harmless and that it is innocent. The argument should be that it is absolutely necessary. For these reasons I oppose the clause.

Khan Bahadur F. M. DASTUR : The whole question lies in a nut shell. The question whether there is any necessity or reason for appointing a rector or not will under the clause be determined by a majority of at least three-fourths of the whole number of Fellows. If the clause is deleted it would mean that the chancellor or some other person or body will do so and thus a rector will be forced on the senate whether the senate wants him or not.

Mr. N. A. BECHAR (Karachi City) : Sir, as I read the Select Committee's report I find the signature of the honourable member Moulvisahab appended to it and I think that the point raised by him now should have been incorporated in his minute of dissent. But I find no such mention, therefore, he has agreed virtually to the retention of the clause regarding the rector. Sir, I have really no desire to stress that point very much further but there is one anomaly which I should like to point out to the House. It was not my fortune or misfortune to hear the Moulvisahab on Saturday or on Friday when he said that beggars cannot be choosers. He said whatever power Government want, so long as they are prepared to foot the bill the Council should agree. On that analogy, since I understand that the amount of grant which is now made by grace to University which is about Rs. 1,22,000, is to be incorporated in the Act as a matter of statutory grant, his position is untenable. Now coming to the question at issue what we want to know is whether this Government does intend to sanction money for the university or whether the university with the aid of its own funds is going to so develop post-graduate studies when alone the necessity of a rector will arise. We heard the representative of the university nominated for this Bill to this Council saying that the clause is harmless and that there are safeguards and that it is not likely to come into operation until a stage is reached in the development of the university. Now we know from the constitution that Government is more than one-fourth in the senate and to make this clause operative some effort on the part of Government members will be necessary. Therefore I ask the Honourable Minister for Education whether he understands the implication and the responsibility of adding that clause to the bill. It means that Government are prepared to incur additional liabilities. But whenever we ask for a grant, for paltry thousands for clothes of the children of depressed classes the Honourable Minister gets up and says " we have got no money." It is a matter of shame to the Council and to the Bombay Government that he always comes in with a plea of this kind and to my mind a very false plea.....

Mr. B. G. PAHALAJANI : I rise to a point of order, Sir, I want to know whether the word " false " is not objectionable.

The Honourable the PRESIDENT : The word " false " is very defective.

Mr. N. A. BECHAR : I withdraw it. If you look at the report of the Select Committee you will find that the clause has been retained only with his casting vote. That is what my honourable friend from Ahmedabad rural says in his minute of dissent. This adds an additional argument to those who are opposing this clause, for it means that Government realise its responsibilities and are retaining this clause and that they are seriously thinking of making very large grants to the post-graduate development. If it is not so there is no purpose in retaining this clause.

Mr. K. M. MUNSHI (Bombay University) : My honourable friend Mr. Bechar has perfected the sublime art of irrelevant talk. I do not understand how the question of appointing a rector comes to be connected with the question of finance or with Government's grant. There is proper scope for all these in other sections of the bill. I wish he could have waited till then rather than he should have gone into this digression.

The point before the House is very simple. There is a very strong feeling at least among a large section of the Senate of the University that the university must have a rector. There is an equally strong feeling among other educationists that the university has not reached a stage when there should be a rector. It all depends on the question whether the Bombay university has reached a stage at which it has become really a teaching university. As soon as a university ceases to be merely affiliating and reaches an effective type of teaching university then it must have an officer of the position and powers of a rector.

An honourable friend asked my honourable friend Mr. Hamill as to what is the difference between a rector and a registrar. I was delighted to hear his arguments against the clause in the fullness of his ignorance before he has studied the bill which is before us. The very bill which is before us says that when the rector is appointed he will be the chairman of the academic council which means he will guide the academic deliberations of the university. Secondly he will be the chairman of the post-graduate committee. That is whenever the university departments flourish and whenever we have got many full time professors then the rector will become necessary day after day to preside over the post-graduate committee in order that the university departments may work properly. These two things have been indicated amply and clearly. Any one who has studied this bill will understand that a rector is to be a kind of executive officer—and if I may use the language of the municipalities—a chief officer of the University. His duty will be to carry out the behests of the senate and the syndicate and to preside over minor bodies. The Registrar is nothing but a secretary. That is the distinction between the two. The preamble of this Act requires that the University must now embark on a career of a teaching University. It is expected, and I hope and trust that this expectation will be fulfilled in the near future that the University will seriously embark on developing its University departments, *i.e.*, colleges and departments which are run by the University, paid for by the University and controlled

[M. K. M. Munshi]

by whole-time professors appointed by the University. When that time comes,—whether it comes now or in five years or fifty years hence no one can say,—but when that time comes, who is to be the judge of the situation? Who is to decide whether the time has arrived in the evolution of the University when there should be a Rector to control it? The incorporation of this clause lays down only one principle that, it shall be the Senate which shall decide whether the time is ripe or not to appoint a Rector rather than that the University should be left to come here and convince the honourable House that the time has arrived. That is the only difference. Nobody need worry in view of the terms of the present clause that the Rector will be appointed in the very near future. In the first reading you will remember I was strongly opposed to the creation of a Rector by a two-thirds majority. But a three-fourths majority is a safe majority. We are having 140 members of the Senate and I am sure about 75 per cent. will attend on extraordinary occasions, because I find that even at the last meeting of the Senate, where the number was the largest, it came to about 82 in a house of 110 or so. The result is that we never get more than three-fourths in a meeting of the Senate. So, the necessity for the appointment of a Rector must become very great before one is appointed. Thus money will never be wasted on an ornamental officer. This is a position which is wholly in consonance with the dignity of the University, and I cannot really understand why members should oppose this particular clause. I therefore submit, Sir, that this clause should be accepted by the House.

The Honourable Dewan Bahadur HARILAL D. DESAI: Mr. President, I oppose the deletion of the clause. The honourable members of this House know that the office of Rector was recommended by the University Reforms Committee, which was presided over by the present Vice-Chancellor, and it consisted among others of Dr. Paranjpye, Mr. M. R. Jayakar, Mr. H. P. Mody, Sir Purshotamdas Thakurdas and my honourable friend Mr. J. B. Petit, and they came to this conclusion. On the question of Rector the Senate, when the matter came up before it, was evenly divided. There was perhaps a difference of two or three. But there is a strong feeling that there should be a provision in the Act for the creation of that office whenever the Senate considers that it is absolutely necessary.

There has been some misapprehension with reference to the financial provision of the University at present. I may again mention for the information of the honourable House that it has at present a capital fund of Rs. 13,00,000. It is every year saving from its income from between Rs. 70,000 and Rs. 1,00,000, and the interest on the Rs. 13,00,000 amounts to about Rs. 53,000; so that it has an income of about Rs. 1,50,000 and if it goes on saving as it does, then within six or seven years it would have a capital fund of about Rs. 20,00,000. Under those circumstances, the University Senate is not in a position in which it cannot undertake to advance the scheme of post-graduate studies, to enable them to do which

[Dewan Bahadur Harilal D. Desai]

this bill has been brought before the House. When the time comes, when the Senate is of the opinion that the office of Rector should be created and that its funds are not sufficient for it, it will naturally approach the Government for assistance if assistance is needed, and the Government which has put in this enabling clause in the bill will then consider, in view of the finances of the University and the obligations, the question in its proper perspective. Under those circumstances, this enabling clause, I submit, the honourable House will allow to stand.

Question put : That clause 12 (The Rector) do stand part of the bill. House divided. Ayes 53 ; Noes 24. Motion carried.

*Division No. 4.*

#### Ayes.

AMIN, Mr. H. J.  
ANDREW, Mr. T. A.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BHOSLE, Mr. M. G.  
BROWNE, Mr. D. R. H.  
CHIKODI, Mr. P. R.  
DABHOLKAR, Sir VASANTRAO  
DASTUR, Khan Bahadur F. M.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESAI, Mr. J. B.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
DUGUID, Mr. A.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GILDER, Dr. M. D.  
HAMILL, Mr. H.  
HATCH, Mr. G. W.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
JOG, Mr. V. N.  
KALE, Rao Bahadur R. R.  
KARKI, Mr. M. D.

LALJI NARANJI, Mr.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MEHTA, the Honourable Sir CHUNILAL  
MONTEATH, Mr. J.  
MUKADAM, Mr. W. S.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
NANAL, Mr. B. R.  
OLIVEIRA, Mr. F.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
PETCH, Mr. F. W.  
PETIT, Mr. J. B.  
PRADHAN, the Honourable Mr. G. B.  
RIEU, the Honourable Mr. J. L.  
SHETH, Mr. A. D.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SURVE, Mr. V. A.  
THORNER, Mr. J. P.  
TURNER, Mr. C. W. A.  
WEBB, Mr. M.  
WILES, Mr. G.  
WINTERBOTHAM, Mr. G. L.

*Tellers for the Ayes : Mr. K. M. MUNSHI and Rao Bahadur R. R. KALE.*

#### Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb  
AHMAD, MOULVI RAFIUDDIN  
AMBEDKAR, Dr. B. R.  
ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BRUTTO, Khan Bahadur S. N.  
BIJARANI, Khan Bahadur SHER MUHAM-  
MAD KHAN  
BOLE, Mr. S. K.  
DAWOODKHAN SHALEBHOY, Mr.  
HAJI MIR MAHOMED BALOOH, Mr.  
JADHAV, Mr. B. V.  
KHUERO, Mr. M. S.

LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD  
MARZBAN, Mr. P. J.  
NOOR MAHOMED, Mr.  
PATIL, Rao Saheb D. R.  
PRADHAN, Mr. R. G.  
RAJMAL LAKHICHAND, Mr.  
SHANKARRAO JAYARAMBAO ZUNZARRAO,  
Mr.  
SWAMINARAYAN, Mr. J. C.  
THAKOR OF KERWADA, the  
THORAT, Sardar S. B.  
VANDEKAR, Rao Saheb R. V.  
WASIF, Mr. G. A. D.

*Tellers for the Noes : Mr. B. V. JADHAV and MOULVI RAFIUDDIN AHMAD.*

Clause 12 ordered to stand part of the bill.

*Clause 13 (Fellows).*

(1) The Fellows of the University shall be—

*I. Ex-officio*

(A) (i) The Chancellor,				
(ii) The Vice-Chancellor,				
(iii) The Rector (if any),				
(iv) The Registrar of the University.				
(B) (i) The Chief Justice of Bombay	..	..	..	10
(ii) The Minister of Education, Bombay	..	..	..	
(iii) The Director of Public Instruction, Bombay	..	..	..	15
(iv) The Surgeon-General with the Government of Bombay	..	..	..	
(v) The Director of Agriculture, Bombay	..	..	..	20
(vi) The Secretary to the Government of Bombay, Public Works Department.				25
(vii) Vice-Chancellors of other Universities, if any, established by law in the Bombay Presidency, and holders of such other offices as are prescribed by Statutes; provided that the number of such Fellows shall not exceed five.				30 35

(C) All Heads of University Departments.

*II. Ordinary*

(A) Elected as prescribed below :—

(i) By one electorate of principals of colleges entitled to send up students for degree examination from among themselves as under :—	..	13
(a) Principals of arts colleges including at least one principal of a college in each group as hereinafter defined	..	8
(b) Principals of colleges of pure science	..	1
(c) Principals of colleges of medicine	..	1
(d) Principals of colleges of agriculture	..	1
(e) Principals of colleges of engineering	..	1
(f) Principals of colleges of law	..	1
(ii) By University teachers and teachers from among themselves	..	10
(iii) One by head masters of schools in each group from among themselves	..	5
(iv) By public associations or bodies in British India as under :—	..	15
(a) Municipal Corporation of the City of Bombay	..	1
(b) Indian Merchants' Chamber	..	1
(c) Chamber of Commerce	..	1
(d) Millowners' Association, Bombay	..	1
(e) Millowners' Association, Ahmedabad	..	1
(f) City municipalities of the Gujarat group	..	1
(g) City municipalities of the Deccan group	..	1
(h) City municipalities of the Karnatak group	..	1
(i) City municipalities of the Konkan group (except Bombay City)	..	1
(j) City municipalities of the Sind group	..	1
(k) District local boards of the Gujarat group	..	1
(l) District local boards of the Deccan group	..	1
(m) District local boards of the Karnatak group	..	1
(n) District local boards of the Konkan group	..	1
(o) District local boards of the Sind group	..	1
(v) By registered graduates	..	25
(vi) By the Faculties	..	10
(vii) Five by the Legislative Council of the Governor of Bombay, of whom one shall be the representative of the University on the Council if he is not already a member of the Senate	..	..

*Explanation.*—For the purposes of this section the Schools and Colleges in the Bombay Presidency (excluding Aden) shall be divided into the following groups :—

Name of Group		Territorial extent of the group	
1. Gujarat group	..	..	Ahmedabad, Surat, Panch Mahals, Kaira and Broach districts.
2. Konkan group	..	..	The City of Bombay and the Nasik, Thana, Bombay Suburban, Ratnagiri and Kolaba districts.
3. Deccan group	..	..	Poona, Satara, Sholapur, Ahmednagar, West Khandesh and East Khandesh districts.
4. Karnatak group	..	..	Belgaum, Dharwar, Bijapur and Kanara districts.
5. Sind	..	..	Province of Sind.

The Senate shall, by statute, determine to which of the groups abovementioned schools and colleges in Indian States shall be attached—

(B) Nominated by the Chancellor .. .. . 40

(C) Donors to, or for the purposes of, the University of money or property to the value of not less than one lakh of rupees, if willing to serve, to be subject to the provisions of sections 14, 15 and 17 Fellows for life.

(D) One nominee of each of the bodies giving a donation to, or for the purposes of, the University of money or property to the value of not less than one lakh of rupees : Provided that the right of making any such nomination and, subject also to the provisions of sections 14, 15, 16 and 17, the tenure of any such nominee shall not extend beyond a period of twenty years from the date of the acceptance by the University of any such donation.

*Explanation.*—For the purposes of this section the value of any property offered as a donation to the University shall mean the market value of such property on the date of acceptance of the donation by the Senate.

(2) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or University teacher or Head-master or a teacher the question shall be decided by the Vice-Chancellor.

Mr. F. J. GINWALLA : I wish to know, Sir, when you will take up my amendment which I intended to come under new clause 13.

The Honourable the PRESIDENT : The whole difficulty has arisen because the honourable member has made a mistake and suggested three amendments to clause 12 whereas he intended those amendments to come under clause 13. They have been pasted in that order and therefore there is a difficulty now of fixing them in their proper position. It is I know only a technical mistake, namely, that instead of quoting the clause as numbered by the select committee, the honourable member has quoted the original number. I can understand the difficulty but it has confused our work. We are dealing with the clauses as numbered in the select committee.

Mr. K. M. MUNSHI : I rise to a point of order. It is not only that the consecutive numbering of the clauses is wrong but even in the body the amendment is wrong. It appears to have been based on the clauses as they stood at the first reading. The honourable member Mr. Ginwalla does not seem to have read the bill as it came out of the select committee. "By University teachers and teachers....5"—that was in the bill when it came up for the first reading. The whole thing should be ruled out of order. Sir, may I make the position clear ?

[Mr. K. M. Munshi]

Originally, in the bill when it was before the House at the first reading, the clause read "By University teachers and teachers....5." That was increased by the select committee to 10. This clause is now before the House. So the honourable member has given notice of an amendment to the original bill. He says "By University teachers and teachers....5." There is no such thing in the bill.

Mr. S. K. BOLE: He is not going to move that at present.

The Honourable the PRESIDENT: Will the honourable member Mr. Ginwalla move his amendment and fix it in somewhere?

Mr. F. J. GINWALLA: In clause 13, II, Ordinary (A), after sub-clause (iv) (e) add "Provincial Committee of the All-India Trade Union Congress."

The Honourable the PRESIDENT: What is the number? It is not mentioned.

Mr. F. J. GINWALLA: I have mentioned in my amendment that it is one. In the original amendment which I forwarded to the Secretary I have mentioned it; if it is not in the list circulated to us, it is not my fault.

The Honourable the PRESIDENT: So, the amendment will be:

In clause 13, II Ordinary (A) after sub-clause (iv) (e) add "Provincial Committee of the All India Trade Union Congress . . . .1."

Mr. F. J. GINWALLA: The object of my amendment is this. Just as the select committee has granted representation to the Millowners' Associations of Bombay and Ahmedabad, I ask similar representation for Labour, and my grounds are these. In these days of democracy, Labour is an important factor to be counted with. In modern times, and especially in these capitalist days, the two factors which count in industry are Labour and Capital, and whether you go to the cotton industry, the steel industry, or any other industry, there are two important factors, Capital on the one hand and Labour on the other. And my further point is this, that even Government have gone to the extent of recognising the necessity of giving adequate representation to Labour not only in the municipalities, but even in this Council; and, Sir, even if we go to Geneva, Government have thought it fit to give adequate representation to Labour in the League of Nations.

An Honourable MEMBER: The League of Nations is not a University.

Mr. F. J. GINWALLA: The honourable member asks why Labour should have representation on the Senate. I might inform him that it is not merely Labour has got something to do with primary education, or secondary education, or higher education. Sir, in these days, the graduates who come out of the University do not know the A B C of trade unionism, or the problems of Labour and Capital, or the problem of minimum wage, or the problem of sick insurance, or co-partnership and all this literature which is necessary for the purpose of carrying on legislation in this very House or guarding trade interests outside. These

[Mr. F. J. Ginwalla]

problems have a vast literature, and if the Honourable Minister wants to know, I can refer him to several books on trade unionism. I find that this literature is not paid attention to, and the graduates turned out by the University are blissfully ignorant of what is socialism, what is trade unionism, what is communism, what is Bolshevism, or what is any other "ism." These problems of Capital, Labour, wages, over-production and other problems, which are modern problems, have to be studied by every civilised subject, and they have to be studied by graduates, and unless and until this kind of literature is introduced in the University curriculum, the present generation will not be able to face these modern problems. However much you may try to brush these problems away, they will be there, and they will have to be faced at every step. Whether it is in the Legislative Assembly or in the local Legislative Council, Labour Legislation will have to be passed, and all these problems have got to be faced. Therefore, unless and until the rising generation knows all these problems, they will not be able to tackle them. There are Labour research institutions, labour schools and colleges, in which labour education is given suitable to modern conditions, in America and Germany, and other Western countries. India ought to proceed with the times. There is a volume of literature on these subjects in England, Germany and so on, and therefore it is very necessary that Labour should be represented on the University. It is necessary that this kind of literature should be introduced in the University. When you go to the length of giving representation to city municipalities, district local boards, and Chambers of Commerce, I do not know for the life of me why Labour should be excluded. I therefore hope that the House will take a step in the right direction and support my amendment.

The Honourable the PRESIDENT : The amendment is :

In clause 13, Part II, after sub-clause (iv) (e) add " I representative from the Provincial Committee of the All-India Trade Union Congress."

I might inform the honourable member, that in the amendment which he sent to the office, there is the figure 1 in brackets on the left. It ought to be on the right. That is a minor matter, and I understand he suggests one member.

Mr. B. V. JADHAV (Satara District) : Sir, I might bring to your notice that the honourable member Mr. Asavale has an amendment on the same question. So, it will be convenient to consider all these together, and perhaps Mr. Ginwalla will see his way to accept Mr. Asavale's amendment, which seeks to give a representation of 3 to the Labour Unions of the city of Bombay, of 1 to the Labour Unions of Ahmedabad, and of 1 to the Labour Unions of Sholapur.

The Honourable the PRESIDENT : I think the number the honourable member wants is one. The number which the honourable member Mr. Asavale wants is altogether five. It is different entirely.

Mr. S. K. BOLE : I support the amendment moved by my honourable friend Mr. Ginwalla. When representation is given to capitalist bodies it will be in the fitness of things that representation should be given to



[Mr. S. K. Bole]

labour also. In the original bill representation was given only to two bodies—the Indian Merchants Chamber and the Chamber of Commerce. I do not know how the Millowners' Association in Bombay as well as in Ahmedabad managed to creep in here. They are powerful bodies, wealthy, and have managed to come in. At the same time when these representatives are there it would be fair to include the representative of labour also. The amendment is a very modest one and it asks for only one representative from the Trade Union Congress of the province.

Mr. S. C. JOSHI : Sir, may I be allowed to move my amendment as an amendment to the one before the House ?

The Honourable the PRESIDENT : I suppose this is the honourable member's amendment : " In clause 13 (1) (2) ordinary A, after clause (e) add the following (ee)... " He will have his chance to move it.

Mr. S. C. JOSHI : While whole-heartedly supporting the amendment, I wish to point out that at the present moment the complaint against the university is that it is out of touch with the practical needs of the public and the masses. It is therefore appropriate that we must have more representation and a few representatives of the labouring classes. Another ground on which I support this modest demand of Labour is the fact that one of the primary functions of the University is to take in hand the adult education of the masses.

On page 67, the University Commission states as follows. :—

" A university's teaching work does not end with the provision of adequate instruction to graduates and undergraduates. It has responsibilities to the community at large, a duty to contribute to the development in it of a common spirit, aim and individual character. It must therefore take cognizance of those, whom the need of a livelihood has called away from school or college before they are matured and who wish to supplement their knowledge or to preserve and strengthen their intellectual powers and activities amidst the utilitarian pursuits of industry and the deafening routine of office, factory or shop."

This clearly supports the amendment and I hope honourable members of this House will also support this modest amendment.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I rise to support this amendment of the honourable member Mr. Ginwalla, with one object in view and that is the representation has been given to the Chamber of Commerce, the Indian Merchants' Chamber and the Millowners' Association and so on and no provision whatsoever has been made for the labour to represent on the senate. Therefore it is only reasonable that the labourers who are also paying taxes should be given representation on the university senate in order to safeguard their interests. There must be some one in the university to safeguard their interests in matters educational. We know very well even in this House whenever questions relating to labour come in, generally all those honourable members who sit here ask "What has this got to do with labour and what has that got to do with labour ?" They forget that unless there is labour there will not be capitalists. Unless there are labourers there will not be capitalists in the country and even Government will not have any money. If there are no labourers the soldiers will not have their food and war materials. And then what would be the fate of Government during

[Mr. R. S. Asavale]

war? Is it not therefore our essential duty to protect the interests of labour? and they are demanding not one-half nor one-fourth of the whole number of the senate to be reserved for them. They ask only for a few representatives and I hope the honourable members will grant this simple and modest request. With these remarks I again support the amendment.

Dr. M. D. GILDER (Bombay City, North): Sir, as coming from a constituency, where there are a large number of labourers, I feel it my duty to support the amendment moved by my honourable friend representing Bombay City, North. I want to clear the doubt of the honourable nominated member from Bombay how the millowners tried to creep in. They succeeded in getting in because the representative of the Bombay Millowners' Association was himself a member of the select committee. Now that the millowners have succeeded in getting representation on the senate it is necessary and fair I think that there should be at least one representative of the labouring class. The Honourable Minister of Education at the time of the first reading stated that efforts were being made to keep the university in touch with commerce and industry. I pointed out at the time of the first reading that these interests should be represented on the university. As a result of that they have given representation for millowners also in the select committee. It is high time that labour also should have at least one representative on the senate.

Mr. J. C. SWAMINARAYAN: Sir, I support the amendment of my honourable friend Mr. Ginwalla. When the millowners have representation it is just fair that labour also should have representation. If the House is not prepared to give representation to labour it will be only fair to do away with the representation given to millowners. As at present, the House will not favour requests made on behalf of labour. In case it is disposed to throw out this modest amendment I would make an appeal to them that they should also throw away the representation of the millowners. With these words I support the amendment.

Mr. R. G. PRADHAN (Nasik District): Sir, I feel very great pleasure in supporting this amendment. It is an amendment which will appeal to all those who feel keenly interested in the progress of labour and the betterment of the conditions of labour. The time was when the idea was prevalent that the universities had nothing to do with labour when the idea prevailed even in England and other European countries that the universities were more or less centres for the education of the upper and the higher middle classes. Fortunately that idea has now vanished, and all educationists and all those who feel interested in the diffusion of higher education not only among the wealthy few but among all classes, all now feel that something must be done to interest Labour in the university and higher education, and that further the university must also do something for the education of Labour. That is the idea behind the university extension movement which has come into existence in the West. Serious efforts are being made in the West

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to give some measure of higher education to those whom the unfavourableness of circumstances has prevented from getting higher education. Fortunately for us, in this country also Labour has been making progress during the last few years, and we find among the labouring classes and also among those who do not belong to those classes but who take interest in those classes and are working for them, men who can worthily represent Labour on the University. For instance, my friend Mr. N. M. Joshi, a member of the Servants of India Society, who has made the cause of Labour his own, and who has been several times deputed by the Government of India to represent Labour at the International Labour Conference is eminently qualified to represent Labour and its interests on the University. Also my honourable friend behind me, Mr. Asavale, and my friend who was his predecessor in this Council. Therefore the plea that Labour is illiterate and consequently Labour will not be able to take intelligent interest in those matters with which the University deals, cannot stand. In these circumstances, it seems to me an act of bare justice to Labour that some provision should be made for the representation of Labour on the University.

I find, Sir, that in the select committee a change has been made giving representation to Capital; representation has been given to bodies like the Indian Merchants' Chamber; in other words, the principle that Capital should be represented on the University has been accepted by the select committee. I am not one of those who favour any clash between Capital and Labour; I rather think with Mahatma Gandhi that efforts should be made to reconcile the interests of both Labour and Capital; I do not believe in any unending struggle between Labour and Capital. If Capital has been given representation on the University that appears to me an additional reason why Labour also should be given representation on the University.

If Labour is given representation on the University the beneficial results that will follow may be briefly stated. The representatives of Labour will bring before the University authorities all those problems affecting Labour which it will be the duty of the University to take into consideration. In the city of Bombay in particular, there are many men who attend mills whose educational status has to be improved. Surely the representatives of Labour on the University may be trusted to persuade the University to do something for improving the educational status of those who belong to the labouring classes in the city of Bombay. If the University is persuaded, as I feel confident it will be, by the representatives of Labour to take interest in the cause of Labour and to do all that is possible to promote the educational interests of Labour, then Labour will feel that the educated classes, the products of the University, take interest in their condition and in their progress. I for one feel that then the charge that the educated classes do not take interest in the labouring classes will be deprived of its force. I think by giving representation to Labour on the University and by making the University authorities interest themselves in the well being of Labour

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and interested in doing all that may be possible to promote their educational progress, we shall be bringing about harmony between the interests of Labour and the interests of Capital. So, not only on its own intrinsic merits but on other grounds also, it is eminently desirable that there should be representation of Labour on the University. I therefore strongly support the amendment.

Mr. J. B. PETIT (Bombay Millowners' Association) : Mr. President, now that the question of Labour and Capital has unfortunately been dragged in, I think it necessary for this House to know the conditions and circumstances under which the Select Committee was induced to accept the claim of the Millowners' Association for representation on the senate. As you are aware, Sir, the University Reforms Committee has given emphatic expression to the view that it is desirable in the interests of higher education to interest the trading and industrial classes of the city in the affairs of the university and with that end in view, has recommended that important public bodies, such as the Indian Merchants' Chamber, the Chamber of Commerce and the Millowners' Associations, composed of these classes, should have representation. As you are aware, provision has already been made in the Bill for the representation of the Bombay Chamber of Commerce and the Indian Merchants' Chamber, on the senate. For some unknown reason, however, the representation of the Millowners' Associations of Bombay and Ahmedabad happened to be omitted from the draft bill which came before the House for the first reading. It was to this omission that I drew the attention of the select committee and pointed out to them the purpose for which this recommendation had been made by the University Reforms Committee,—an argument, which appeared to have weighed with the select committee . . . (Mr. B. V. Jadhav : with the Minister). It is after all the select committee which recommends and not the Minister. An ex-Minister ought to know it . . . with the result that it was ultimately considered and carried. I venture to say, Sir, that that recommendation was accepted in order to create in the industrial classes of the city a living interest in the growth and progress of higher education ; and to associate them more closely than now with the affairs of the university. It was not accepted, as was alleged, to enable them to bring in a representative of Capital. It is very unfortunate that the question of Labour and Capital should have been brought in the consideration of this important matter. The two Millowners' Associations have not been given representation as representing Capital, but merely as representing the greatest industry of the country and particularly of this Presidency. The principal object with which that has been done is the contemplated establishment in course of time of a technological institute in the city of Bombay in connection with which it was felt not only that the sympathy but even the active support of the industry would be necessary and urgently needed. It is for this purpose that that recommendation has been accepted. I put it to this Honourable House whether it was not right ; and whether the question of Labour should have been brought into this discussion. Labour stands altogether on a

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different footing. It has its own sphere : it has its own standpoint ; but they have nothing to do with the University. I do not understand what special advantage, Labour in its present condition is likely to derive by obtaining representation on the senate of the University, which is mainly concerned with the advance of higher education. After all, the education in which Labour is interested, is different ; and it is not until Labour reaches the stage of higher education, that a necessity for the representation of the labouring classes on the senate is likely to be of any advantage. Personally, I do not think that a case has been made out in favour of giving a special representative to Labour. However, it is a matter for the House to determine. It is only so far as the Mill-owners' Association and the purpose for which they have been given a representation, are concerned, that I desire to make my position quite clear to the House.

Mr. N. A. BECHAR (Karachi City) : Sir, it was a matter of great regret and pain to me to see the manner in which the proposal of my honourable friend from Bombay was received in this House with derision. The only ray of hope came to us, after a number of labour members had spoken on this side, when my honourable friend from Nasik got up and made a strong plea in favour of that representation. This proposal is tried to be understood on the opposite benches merely on abstract grounds and that is, what utility the labour is likely to gain by having a seat on the university. Sir, unfortunately in this country there is such an amount of apathy and aversion towards manual labour that whatever may be the value of it and however hungry an educated man may be he refuses to take to manual labour. That is one of the greatest curses of this country. And if you will appreciate the kind of education that Government has so far given to the people of this country you find that they have produced mere clerks and in very small numbers men with some original thinking. They are very few. In the case of the former in a great majority of cases they find it difficult to obtain employment worth anything over Rs. 75 or so. Sir, I read a very good book which I did not think it was necessary to bring down with me when I left Karachi. That book is called the " Resurrection of Hungary " by Arthur Griffith one of the great leaders of the Irish Sein Finn movement. He finely analyses the effect of education which Britain had inculcated in the minds of the Irish people and he also gives the history as to how Hungary was struggling to be free. In that book one chapter has been devoted to the effect on young minds of the kind of education which they received in the university and tells us what the university has got to do with labour. I, therefore, fail to see how my friends fail to look at facts. Here, the university provides curricula or course of study for the secondary education and these secondary schools in turn prescribe curricula for primary schools because these are bodies that have to examine those boys. Therefore, what I was trying to say is this ; that the Labour has got to make a very distinct contribution to the solution of the problem of education, as to what kind of education we should have so that the young men may become useful citizens in the country. Until and unless you shake off

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this aversion for manual labour you can never solve the problem of unemployment for which Government have appointed several committees with no result. Therefore, Sir, so long as you do not try to approach this question of unemployment from the point of view of labour you will fail in your mission, and as such I say that this House should unanimously allow one seat to Labour. There are no less than thirty to forty thousand members of the trade unions in Bombay city. These members of the trades unions from among themselves elect their executive committees, and the executive committees in turn elect provincial committees and these are the representatives of labour in the whole of the Bombay Presidency. Now turning to my honourable friend the representative of the millowners, he says that it is not really because they happen to be millowners and capitalists that representation is given to them but because you want to bring people into living touch with our system of education that it is necessary for a responsible body of men like the Millowners' Association to have a representative. Sir, I put it to you on those very grounds, whether or not you consider it necessary that a large body of men, upon whose sweat of the brow the wheels of the society are moving, should have a voice in the determination of the character and curricula of education. That, to my mind, is a very important thing, and if you want to ignore it at your own peril, you may throw out this amendment. But if you have any seriousness of mind, if you think we should solve this problem most peacefully, then I say, Sir, even if one single member like Mr. Joshi, who, I think, can give points to many members that may in future sit upon the Senate and who may be sitting on the Senate even now,—is elected, it will be sufficient for us. So, Sir, there is not the slightest fear that the labour representative will be inferior to the average persons who are going to fill the offices on the senate. Therefore, on all grounds, I strongly feel that at least one representative ought to be allowed to labour, and if the non-official part of the House is not willing, I appeal to the Government benches who are always talking of protecting labour and who are always saying that they would do everything that is necessary, and I also appeal to the prominent members of this Council to show their sense of justice and allow one representative to be elected. It may be argued that out of a number of 40 representatives that the Government will have power to nominate, it may be possible for Government to choose one labour member. Sir, the labour members are fed up with the system of nomination. The system of nomination tends one to become a toady, and I do not think any labour member likes to become a toady. I have no doubt those members who are here to-day representing labour, though nominated, have the greatest courage, but I say, Sir, this demoralising system of nomination ought not to be allowed to demoralize a labour representative, and that the representatives of labour should come by the open door, front door, and the widest franchise. Therefore, I strongly support the representation on behalf of labour which my honourable friend from Bombay has urged upon this House.

Mr. G. L. WINTERBOTHAM (Bombay Chamber of Commerce): Mr. President, apart from the question of labour being represented on the University, on which I do not propose to say anything, there appears to my mind to be something in the wording of the amendment which calls for some explanation. I cannot understand why the right of electing this one labour representative should be given to the committee of the "Provincial Branch of the All-India Trade Union Congress." In the case of the other associations, to whom representation is proposed to be granted, right of election is given to the main body. And it seems to me exceedingly wrong in principle to restrict the election of this proposed labour member to a small committee or a section of the Trade Union Congress. It does not appear to me that this committee represents the whole of labour in the Presidency. I believe it is a very small body of people, and there is no guarantee that the gentleman elected will be a representative of labour at all. I should like to have that point cleared up.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I should like to add a few words of sympathy for the mover of the amendment, in his support of it. Sir, I think it would have been very graceful on the part of the representative of the Millowners' Association to have supported this motion. His support would have been welcomed. Sir, being one of those who supported the honourable member Mr. Petit in the select committee in his proposal, I think there is a special responsibility placed upon me to support the cause of labour. I think, Sir, that members on the opposite benches are sitting mum on this question. I think we should have liked to hear the Government view upon this point, because I do not want it to go out to the country that Government does not want to support labour. I think it is a very awkward position for Government. In a short time there would in all probability be Labour Ministry in England again and it would not do for this Government to look down upon labour. My honourable friend said: "What difference would it make if there is one member of labour on the Senate?" I say, it would make a good deal of difference. It will take away the stigma of untouchability from the labouring classes and it will show to labour that they can sit on equal terms with representatives of other interests in the Senate. That would make a great moral difference. I was in England when the first labour member sat in Parliament, Mr. John Burns, and became a Cabinet Minister. I know the effect that was produced in general society by the admission of that representative of labour in Parliament. We admit labour members, in the Assembly labour members go as a matter of right; also in the League of nations: they come also as a matter of right to this Council. Why should they not be sent to the University? Why should the University, of all bodies, not be liberal? Why should we be so narrow-minded as to show the cold shoulder to labour, and why should the Honourable Minister be so narrow-minded in this respect? Why should he say that he is not going to make any change in the bill at all? It seems to me it is useless to discuss the bill further if he is not going to make any change at all in the bill. I say, he should make a change. We have made out a very good case for labour.....

The Honourable the PRESIDENT : But the Minister has said nothing yet.

MOULVI RAFIUDDIN AHMAD : Sir, a question was put to him and he nodded a negative reply. I should be very glad if he comes forward to accept this proposal and we will be all very thankful to him. But, if he does not, then, Sir, let me state that the Government would be in a very bad position. As regards the University, I do not think its opinion has been asked about it : it is a new question. But how did my honourable friend the member for the Millowners' Association carry his point ? By the sympathy of Government. Now as a member for labour is demanded Government should show equal sympathy. And that would add to the dignity of labour.

The Honourable the PRESIDENT : Order, order.

Mr. B. V. JADHAV (Satara District) : Sir, I wish to draw your attention in reference to the motion before the House that Government benches have remained silent. Even the experts that have been specially nominated for the consideration of this bill are not opening their mouths. It would, I think, be much better if the Government views were known.

The Honourable the PRESIDENT : I do not think I can force any Government member to express his views. The same remark has been made in one or two speeches and it is for Government members to take their opportunity and explain anything they like.

The Honourable Dewan Bahadur HARILAL D. DESAI : If my honourable friend wants me to speak at this stage, I have no objection to do so. I oppose this amendment not because I am not in sympathy with Labour, but I submit that if by Labour is meant factory labour, then it has no place in the University. We are all labourers, mental or manual, and we live by it, but if by labour is meant factory labour, then I respectfully beg to submit whether it is intended or is it possible for a factory labourer to come through the Trade Union Congress to the University. My honourable friend Mr. Ginwalla, my honourable friend Mr. Bole and several others have sympathy for labour as I have. However, for factory labour neither they are representative nor am I, and I submit to the honourable House whether factory labour as such has any place in a university which concerns itself with higher education. I may submit that the Victoria Jubilee Technical Institute as such is no part of the university, but representing technical education and representing that class of people who take education there and get into the class of labour, properly so called the principal of the Victoria Jubilee Technical Institute is at present a nominated member of the senate, and such people would generally represent labour interest much better. But I submit, gentlemen who are not factory labourers themselves are not entitled to represent labour on the university. That is a matter on which I hold definite views.

Again, Sir, city municipalities, by the good offices of my honourable colleague in charge of local self-government, have their franchise reduced



[Dewan Bahadur Harilal D. Desai]

to one rupee and all manner of people do come on the city municipalities and the city municipalities as well as the district local boards are going to send in members to the university and they will, as if through an electoral college, be representative of labour in a way.

Again, I respectfully submit that a reference was made to the millowners having found a place through the select committee in clause 13. I submit, Sir, that originally the Reform Enquiry Committee, to which reference was made by my honourable friend Mr. Joshi, did not in any of the associations they recommended, recommend any labour union for representation on the university. However, they allowed representation to the millowners' associations. I however thought, when I had to frame a bill, that if I gave representation to the millowners, there would be a question raised with reference to labour and I did not include them in the first draft which came before this House at the first reading. However by a single vote.....

Mr. B. V. JADHAV : That was your own vote.

The Honourable Dewan Bahadur HARILAL D. DESAI : By a single vote in the select committee my honourable friend Mr. Petit succeeded in carrying his point and I of course though I was much against it, reconciled myself to it after all because they represent capital not as against labour but as industrial and commercial classes who would be able to endow the university if they were in touch with the university. On that basis I have reconciled myself to it though I was originally much against it. I therefore submit, Sir, that when the industrial and commercial classes have a representation, there is no reason why a further division should be made as between capital and labour. There is no antagonism between capital and labour. The university concerns itself with higher education as I submitted and therefore I say that labour, meaning thereby factory labour, is not entitled to any representation on the university, much less through a small committee of the All India Trade Union Congress. I therefore submit to the honourable House that they should turn down the amendment.

The Honourable the PRESIDENT : I find during this session that honourable members have referred over and over again to what happened in the select committee. I think that a reference to what happened in the select committee should be avoided.

Mr. B. V. JADHAV (Satara District) : Sir, I am very much obliged to the Honourable the Minister of Education for explaining the views which he holds on this question of capital and labour. I regret, however, to observe that my honourable friend is in the same unenviable frame of mind in which English politicians were about 50 or 60 years ago. They then said "What have the labourers to do with Parliament and parliamentary Government?" They said it was their lot to work in the factories, to work in the mines, and to allow the capitalists to amass large fortunes, and it was for the capitalists to carry on the Government for their own best advantage, and also to the advantage of the labourers. But the foolish labourers did not accept that view, and they set up an

[Mr. B. V. Jadhav]

agitation, they started and developed their organisations, and finally they formed a party of their own. and that party has now gained so much strength that at one time it carried on His Majesty's Government, and at present it has been holding the very good position of leading the opposition in Parliament. I can assure my honourable friends that the time is not far distant when the labourers' voice will be more and more heard in this House and also in the University. The University, up to this time, has been dominated by capitalist interests, and even under the present bill provision has been made to introduce as many capitalists as possible into the University. Look at a further sub-clause in the same section. It says that a man or an institution making a donation of a lakh of rupees to the University has got the right to nominate a Fellow for life. I think the Millowners' Association, both in Bombay and in Ahmedabad, can at any moment write down a cheque for a lakh of rupees and secure a representative on the Senate; and each one of the individual members of those associations are rich enough to contribute a lakh of rupees to the University and in that way secure seats on the University if they care to do so. There is, I think, a prospect—I shall not call it a danger, I am not at all afraid of the capitalist interests because Labour will come into its own—of even 150 Fellows from the Millowners' Associations of Bombay and Ahmedabad put together. And yet, Sir, Government as well as the millowners are very unwilling to allow a single seat for the labourers. That is their generosity, and that is their idea of fair justice.

The Honourable Minister has expressed here that fortunately, up to this time, there has been no dissension, no quarrel between Capital and Labour in the University. Certainly there was not, for the simple reason that Labour was scrupulously shut out from the University. If no representative of Labour was to be allowed into the Senate, and if the Senate is composed of capitalist interests alone, there would be no dissentient voice, and there would be perfect harmony and concord. Now, is that condition to continue, or is it desirable that it should continue? In the select committee—I am sorry, Sir, to have to refer to what passed in the select committee again—as the Honourable Minister admitted the representation for the millowners was carried by a majority of a single vote; and when the question was raised about allowing a seat to labour, at once the Honourable Minister jumped up and said it was out of order; it was not even allowed to be discussed.

I am surprised to see that the Honourable Minister is basing all his arguments and all his objections on that sacred book, that sacred volume which perhaps he values more than even the Vedas. It is in his eyes a revealed book, the provisions of which are not to be passed over; no new provisions or no new additions are to be made. And what is that important book for which he has got such high reverence? It is the report of the Committee on University Reforms. We know, Sir, what respect Government gives to such reports. A number of committees have been appointed, and a number of committees have submitted their

[Mr. B. V. Jadhav]

reports to the Government and sometimes to this House, but Government accepts only those conclusions of a committee which are favourable to them, and unceremoniously brushes aside those which do not meet with their point of view. In the same way, the report of the University Reforms Committee was treated with scant courtesy by the Honourable Minister himself, and the Millowners' Associations were not granted any seats on the Senate in the original bill, although that very sacred book did make provision for the capitalist interests. But all of a sudden now his conscience has been pricked. I think it was pricked in the select committee, and he now thinks that the Millowners' Associations ought to get it, because so it is recommended in the report. And if the labourers have not found any place in the book—they were not fortunate enough to have their views represented then—then they ought to be shut out, because so it is written in the book. He takes up that book and says: "Point out here whether there is any recommendation for the labourers." Poor labourers, they were not represented on that committee, and so no provision has been made for them; and it is for this honourable House to allow at least one seat to the poor labourers, which the capitalists on this side do not want. I am very sorry to remark that most of the honourable members from Gujarat have very strong leanings towards the capitalist side. Therefore, it is for this House to see whether the poor labourers are to get even one seat. I do not think I need take much of the time of the House, because I do not think the voting of the House goes by the strength or weight of the arguments placed before it.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, my honourable friend Mr. Ginwalla has asked for the representation of Labour on the Senate, and I do not think that any honourable member will refuse to give one seat to Labour. My honourable friend Khan Saheb Mansuri asked, what will the representative of Labour do on the Senate? I will tell him that the labour representatives here in Council are doing ten times better work than him. It should not be thought for a moment that because a man is a labourer, he is not fit to represent the labourers, that he should work all day as a labourer only, that it is the right of only those who get fat on the sweat of labour, to be represented on the Senate.

Khan Saheb A. M. MANSURI: I rise to a point of order.

An Honourable MEMBER: What is the point of order?

Mr. HAJI MIR MAHOMED BALOCH: Mr. President, if a representative of Labour is on the Senate, although he may in the beginning not be able to understand very fully what is going on there, he will have opportunities of associating with people in other walks of life, who may be highly educated, and he will come back and tell his brother labourers: "We also must try to be like the members in the Senate."

In this bill, I find that representation is given to Chambers of Commerce and other commercial bodies, but Labour has been refused that representation. The Chambers of Commerce and the other commercial bodies

[Mr. Haji Mir Mahomed Baloch]

may consist of 50 to 100 members at the most. But the number of labourers in Bombay, who are members of trade unions will be 30,000, and yet objections are raised to give them representation by allotting one seat to them on the Senate. I think if any other person had been the Honourable Minister, he would have given 10 representatives to Labour, and not 1. Is it to be supposed that one representative of Labour on the Senate will be able to so influence the minds of his colleagues that the whole University administration will be turned upside down? The honourable member for the Millowners' Association said that when they were there on the senate they would not neglect the interests of Labour whom they consider as their children. Such statements would be of no use. The honourable member Mr. Winterbotham said that the Trades Union Congress was not a big body (Mr. Winterbotham nodded dissent). With these words I support the amendment.

Mr. A. D. SHETH (Ahmedabad District): Sir, during the discussion on the amendment of my honourable friend Mr. Ginwalla, the honourable member the ex-Minister, Mr. Jadhav spoke about the "revealed book" and I was very much pleased to have that admission from an ex-Minister that Government were treating the recommendations of the Committees in the fashion he said, that is, they are throwing them in the waste paper basket. (Honourable Members: No, no.) I understood the honourable member to say that Government were not treating such reports very seriously. It was certainly a consolation to me to hear such remarks coming from an ex-Minister in these days when the dreams of the ministry are raised in the day to be shattered during the night. Such remarks coming particularly from leaders of parties are giving us much food for consideration and we ought not to take all these things lightly.

The Honourable the PRESIDENT: Will the honourable member come to the point?

Mr. A. D. SHETH: I am coming to the subject, Sir. As a matter of fact the several provisions contained in the bill as amended by the select committee for representation on the senate are not very clear to me. I have not been quite able to understand it even after the remarks of my honourable friend the representative for the Bombay Millowners' Association and the remarks of the Honourable Minister. To me the representation of the commercial associations, district local boards and municipalities on the senate is not clear. To me university requires two things. It must have representatives with knowledge of the university affairs, and it must have money to conduct the business. As a member of the district local board and coming from a district I do not understand how a member from the district local board will be able to help in matters concerning university. That is why I have not been able to reconcile myself to the representation of the district local boards and municipalities on the senate. The Honourable Minister stated that the Indian Merchants Chamber and the Millowners' Association should have representation for endowing money and financial help. But for that remark I would have opposed even the representation of commercial

[Mr. A. D. Sheth]

associations of that type. As it is we may waive the objection to that proposal.

The argument is put forward that because millowners have representation on the senate the labour also should have representation. I have not been able to follow this particular argument. But that does not take away the force of the plea in favour of labour representation. I believe that is agreed. It is only difficult to find a right man from the Trades Union and it is equally difficult to find a method of representation of the factory workers either in Sholapur, Ahmedabad or Bombay. The honourable member Mr. Ginwalla stated that they must have on the senate some men acquainted with the principles of socialism, communalism and bolshevism. All these principles can only be understood by men like him who are coming to the Council here. If this desire that some one knowing the principles of these new movements in the world ought to be on the senate you cannot get the right sort of man from a factory. I would rather suggest that in the list of nominations some one from this Council knowing those principles may be sent to the senate to represent labour, so that their desire may be satisfied; it must be understood that that is suggested to avoid the difficulty of finding a right sort of man by election. Some way ought to be found and labour claims should be satisfied.

Mr. B. V. JADHAV: Will the honourable member be willing to increase the number of nominated seats?

Mr. A. D. SHETH: I do not want to satisfy the curiosity of the ex-Minister.

I have given my suggestion and I have given my ideas. A student possessing knowledge of European conditions ought to be sent to the senate to represent labour to enlighten them on the new principles. For that some way ought to be found and Government ought to be in a position to assure the House that they are willing to do it. If this is done it must satisfy labour.

As regards the remark of the honourable member Mr. Jadhav, that the leanings of the Gujarat members are towards capitalists, I want to correct him and say that the fact that we may not have leanings towards the honourable member Mr. Jadhav, does not prove that we have no leanings towards those for whom he has pleaded. As a matter of fact members from Gujarat are among those who are giving their best to the question of labour. With these remarks I oppose the amendment as it stands at present.

Rao Bahadur R. R. KALE (Satara District): Sir, I really fail to see why the principle of giving representation to Labour should be introduced first in an enactment like the University Act. We have many institutions in this country organised on an elective basis, from the Legislative Assembly and the provincial councils at the top to the taluka local boards at the bottom, and I have also been careful to read the several Acts which are before me relating to other universities, but I fail to find in any of the enactments relating to these institutions any provision for a seat for an

[Rao Bahadur R. R. Kale]

elected representative of labourers. (Moulvi Rafiuddin Ahmad : Not for millowners also). I am talking of bodies created under a law ; I do not find any provision for a seat for a representative of Labour as such. I do find that the word 'Labour' is used promiscuously here. But I may point out that there are more than 3,00,000 labourers in the city of Bombay but they are spread all over the rural areas in the presidency. I submit the bill has made a beginning in the direction of giving representation to Labour by giving representation to district local boards, which are really representatives of the rural classes. In my humble opinion the time has not yet come when Labour as Labour can be given representation on the University. When Labour as Labour has not been given any representation on any of these elected bodies, it is not time to imitate the cry of Labour borrowed from western countries. I know that the time may come, but that time is yet far distant. It will be time for us to give representation for Labour on the University when the other institutions have given that kind of privilege to Labour. As one of my honourable friends said the University is a place for men of education ; it is a place where problems relating to education as a whole will be discussed. May I point out to my honourable friends opposite who are pleading the case of Labour that they themselves are coming here not as representatives of a special constituency for Labour, and yet they are able to plead the cause of Labour ? That being so, the case for special representation of Labour on the University is very weak. The University is a place for men versed in all kinds of educational problems and there will be men like my honourable friend Mr. Joshi sent up to the University by district local boards and municipalities, men coming from rural areas and sent up by the rural population, who in the bulk are labourers. There will be room for such men in the University and they will really represent the rural classes and press their needs of education. That being so, I really do not understand the necessity of giving special representation for Labour.

There are many amendments ; some propose that the Trade Union Congress should be given the privilege : others propose another committee and others something else. These bodies are yet unorganised, and they have not been given recognition by Government. (Mr. Asavale : they are recognised, Sir). They are not really legally recognised bodies, and until they are properly organised and are given recognition, we cannot make a choice between these bodies. So far as I am aware there has not been recognition given to any particular body as the representative of all Labour in the Presidency. That is my point. Here, it is proposed that one seat should be given. To whom are we to give it ? Are we to give it to the Bombay labourers' association or to the Ahmedabad labourers' association ? If we give representation to the bodies named by the honourable mover of the amendment, then we may have another body coming forward claiming a similar privilege. Therefore, it will be a dangerous thing to admit this principle of giving recognition to a particular body which cannot be regarded as representing the whole of the Presidency. (Rao Saheb D. R. Patil : Move some amendment, then). I am not,

[Rao Bahadur R. R. Kale]

Sir, for moving an amendment : I am only pointing out the difficulties in the way of carrying this amendment. What would be the result if we passed this amendment ? It would result in inconvenience and impracticability. It is not practicable to represent Labour by giving a seat to a particular committee. I therefore appeal to my honourable friends not to pass this amendment in a hurry. In this Council itself the interests of Labour are being watched by people who are not elected by a special constituency of labourers. Therefore, there is scope for Labour's interests being represented by persons who do not belong to the labouring class but have devoted their lives to the interests of Labour and have taken great interest in the class of people who may be called labourers. At present persons like my honourable friend Mr. Joshi will be in a position to represent the interests of Labour. The time has not yet come for giving special representation to Labour on the Senate ; it may come, but we are not legislating for the distant future. For the present we have no organised and recognised bodies representing Labour. I submit therefore the only way for these interests—may be interests : I do not deny that—for these interests to be represented is as it is at present by nomination. These interests are being well represented by persons like the honourable member Mr. Joshi, who do not belong to the labouring classes. The rural areas will be satisfied by the nomination of such persons like the honourable member Mr. Joshi to represent their interests on the Senate. Therefore, I appeal to my honourable friends not to be carried away by mere sentiment. We should be practical men, and I hope as practical men honourable members will realise the difficulties and the inconvenience in the way of giving special representation to Labour. I submit until we have arrived at that advanced stage in the way of evolution.... (Interruption)—I am not going to yield to any one, and I am not going to offer any explanations,—there is no use being carried away by catch-phrases borrowed from the West. We should proceed cautiously and not be carried away by principles which however applicable in the West, will only cause inconvenience in the present condition of our country. Therefore, I do not think the time has come for Labour to be given any representation.

An Honourable MEMBER : I move closure.

The Honourable the PRESIDENT : I accept it.

The Honourable Sir CHUNILAL MEHTA : Sir, I rise to speak at this moment because pointed reference was made by the ex-Minister....

Mr. J. C. SWAMINARAYAN : I rise to a point of order. You have accepted closure, Sir....

The Honourable the PRESIDENT : I admit there is a little departure from the usual practice. I wish the Honourable Leader had given me to understand that he wanted to make a statement on behalf of the official benches. We have had a long discussion and I accepted closure, but I would make an exception in the case of the Honourable the Leader of the House who I understand wants to make a statement.

The Honourable Sir CHUNILAL MEHTA : I am very much obliged to you, Sir, I was saying that pointed reference was made to me by the ex-Minister who asked for my views on this question. Sir, I have had the advantage of talking this question over with the representatives of Labour after the discussion this morning. I wish to make my own position clear and I may also say a little later what the views of Government are on this matter. Of the many speakers who have spoken to-day, either of those who are representatives of labour or in favour of it or those who are supposed to be in favour of capital, not one of them has said that they have no sympathy with the representation of labour on the university so that you may rule out the accusation that has been made that Labour has been deliberately kept out by the capitalists. That is not the case. I should like to explain why it is that it is not possible to accept the amendment that has been moved by my honourable friend Mr. Ginwalla. It is well known that Labour even on this Council, where I take it questions affecting the interests of Labour in vital directions come up for discussion in far larger numbers than anywhere else, has got to be nominated. It is not possible so long as Labour is not sufficiently organized to create a constituency or constituencies through which Labour can be represented. I feel, Sir, that I am right in saying, as indeed was pointed out to me by the representatives of Labour themselves, that the particular constituency which the honourable member Mr. Ginwalla favours with all its communism, Bolshevism and other kinds of isms would not be acceptable to all classes of labour. And I ask those who represent Labour or wish that Labour should be represented to point out to me a constituency which can be created for the representation of Labour. I have not found any practical suggestions as to what the constituency ought to be.

Mr. J. C. SWAMINARAYAN : One suggestion has been made. Will you accept it ?

The Honourable Sir CHUNILAL MEHTA : I am not aware of it. I am told that this question would not have arisen if the representation given to the millowners were taken out of the bill. There are these amendments on the paper and therefore it would appear that it is not a question so much of the representation of Labour as the dislike of the representation of capital.

Mr. R. S. ASAVALE : Not at all.

The Honourable Sir CHUNILAL MEHTA : I do not for a moment accept that view. I do not think that capital is given representation because Government wish to favour it, nor is the bill designed to tempt it to part with its wealth. On the contrary it has been the experience of all people in cities as well as towns that the education given at present is not practical and that in matters of education we ought to have the assistance of all bodies who employ the product which is turned out by the university. It has been a constant complaint that captains of industry and commerce do not take the interest that they ought to take in university education, and it is the desire of Government to bring in those classes of people to assist in the giving of such education as will be



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practicable for securing due employment for the products of the university. Nor do I put the case of the millowners on the ground which has been mentioned, namely, that the university may expect from them financial assistance. It is fair that financial assistance can be expected and found from persons who have amassed money by commerce or industry. In various countries in the world universities are being endowed by those people who have made success in life and we should desire the same thing in this country where the need is great. There can be no better object of private charity than education. It is in order that these classes may become interested that I think representation has been rightly given to them.

MOULVI RAFIUDDIN AHMAD : Why was it not included in the original bill ?

The Honourable Sir CHUNILAL MEHTA . I am not concerned with what was contained in the original bill or with what it did not contain, and if I refer to the Universities Reforms Committee's report I shall be accused as the Honourable Minister was accused of taking the assistance of a revealed volume. I was not aware of what went on in the select committee, and I am talking of the bill as we see it before the House to-day. If Labour is organised in the way the Millowners' Association or the Chambers of Commerce have been organized, one should not have the slightest objection to have representatives of Labour on the university by election. It is no use saying that by having a representative of the millowners we are only trying to create a cleavage between the industrialist and labourer. It is nothing of the kind. It is merely the lack of an organized constituency that prevents Labour from being asked to select its representative. I may go further and say that there are certain number of seats specifically reserved for nomination and it is in order to correct this difficulty of finding proper constituencies that a large number of seats has been set aside for nomination.

My honourable friend opposite suggested that if they are to come in by nomination, then raise the number from 40 to 41 or 42. Well, Sir, I cannot understand why out of 40 room cannot be found for one or two to represent labour.

Mr. A. D. SHETH : I meant out of 40.

The Honourable Sir CHUNILAL MEHTA : The honourable member did, Sir ; but not the ex-Minister. The ex-Minister will correct me if I am wrong. But, when the honourable member Mr. Sheth stated that he would like to have these gentlemen brought in by nomination, the honourable member Mr. Jadhav at once got up and asked whether the number of the nominated seats would not be to that extent increased . . .

Mr. B. V. JADHAV : To the extent of 50.

The Honourable Sir CHUNILAL MEHTA : " To the extent of 50. " Then, Sir, it is precisely that number that is causing this difficulty. Does not the honourable member think he is somewhat giving himself

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away. Why 50 ? We are considering, Sir, not the number of nominations. We are considering whether there is room for adequate representation of labour in the number of 40. I cannot for a moment imagine, Sir, that any Chancellor will not consider the claims of labour when he comes to select his nominations.

Mr. B. V. JADHAV : So, he would have considered the claims of capital also.

The Honourable Sir CHUNILAL MEHTA : I have explained, Sir, that the representation of capital is for a specific purpose. I have further stated that if any constituencies could be found which would be agreed to by labour themselves, from which a representative by election could be sent in, there would be no objection to include them in the bill. I do not think, Sir, that anything could be fairer than the position as I have now explained. I was saying, Sir, that when the question of nominations—whatever the total number, it is 40 at present in the bill,—comes to be considered, there is not the slightest doubt that the Chancellor will not disregard the very strong opinions that have been expressed by all sections of the House, and I wish to emphasize that it is all sections of the House, and not a particular party. They have all stated that they have sympathy with the claims of labour, they cannot find a proper constituency. But they would all like them to come in by way of nomination. I trust that the Council will acquit Government of the undeserved charge that they desire to keep out labour.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I thank the honourable members of this House and also the Honourable the Leader of the House for sympathising with the aspirations of labour for a representative on the Senate. Some of the members have raised the objection that time has not arrived for the representation of labour. Before I come to this point, I would like first to deal with the explanation that has been asked by my honourable friend Mr. Winterbotham as to what is the constitution of the Trade Union Congress. The Trade Union Congress is a body which bears on its roll a lakh of members as representing all interests, and under the constitution of the Trade Union Congress a Provincial Committee has been organised for the whole of the Bombay presidency for dealing with provincial questions and this Provincial Committee has on its body all the members who are the representatives of all organised unions which have a proper roll, which have proper secretaries, residences and office bearers, and unions properly established. And for the whole of the presidency there is a committee of all representatives of all labour unions in the presidency. And here is a body which is more representative of labour than any body like the Millowners' Association for Ahmedabad or Bombay. They only represent the interests of mill-owners of Ahmedabad or Bombay. But here is a body which represents labour in the whole of the province. Therefore, I submit, Sir, that this body is more entitled to claim representation at the hands of this House than the Millowners' Association of Bombay or Ahmedabad. And in Bombay itself there is a body—there are two with a total membership

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of more than 30,000. A union like the Seamen's Union contains 10,000 members. It is a representative union, with adequate funds, proper office bearers, accounts properly audited, and with benefit fund for unemployment, insurance fund, etc. In the same way, there is another union, the G. I. P Railway Workers' Union. Their funds exceed Rs. 25,000; they have 3,000 members. Then, there is the Postmen's Union; there is the Telegraph Workers' Union; Government Peons' Union; and there are several railway workers, etc., and telegraph workers, and all sorts of workers. All sorts of persons who are working for labour, all those who represent labour, are represented on this Provincial Committee including mechanical workers. Therefore, I say, Sir, that this is a body which is constituted under constitutional methods and is thoroughly representative of all the grades of Labour, and it is, therefore, thoroughly entitled to claim representation of labour.

An Honourable MEMBER : Agricultural labour is not included. Is it included ?

Mr. F. J. GINWALLA : I am talking of industrial labour. As regards the point raised by my honourable friend, namely, whether Agricultural labour is represented, I say, Sir, that since agricultural labour is not organized yet, we have not placed them on the committee. But if it is organized, I assure the honourable member that their union will also be included. Therefore, it cannot be said that this is not a representative body.

As regards the objection or point raised by the Honourable the Leader of the House that "if you can suggest a proper and suitable constituency as really representative of labour, we are prepared to embody it in the bill," I suggest to him, what better constituency can he have than the Provincial Committee of the whole presidency which I have mentioned ? Let Government suggest any better solution : we are prepared to consider it. But we can definitely assert that this is a constituency which is a much better constituency than that of the Millowners' Association. Now, Sir, I understood my honourable friend (the representative of the Millowners' Association) to say that I stood to oppose the claims of the Millowners' Association. Far from it. I want that all industrial interests must be represented on the Senate if we want to progress with the times.

Then, Sir, the Honourable Minister showed some ignorance of what was the meaning of labour. And that I would explain. Labour means all persons who are engaged in factories, or in the docks, or in the railways, or in the Port Trust, or any other professions, as workers. His own staff, even the Government professors, can all be included in labour. Therefore, Sir, these professors or anybody who want to organize labour and work on the Provincial Committee, I assure the honourable member that they will represent labour. Therefore, these representatives of labour on the body will not be men who do not know the A B C of your education, but they will be better qualified to deal with educational problems than any other members sitting on the Senate.

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Then, as regards another point made by some members, I would just like to point out that even the Viceroy of India was a member of the Labour Government in England. He represented labour interests : the representative need not necessarily be a factory worker himself. He is a man representing labour. If labour chooses to put in Lord Haldane as a Minister, there is nothing to prevent them. There are so many persons holding important positions in the Labour Party. It is not necessary that they should all be mechanics. Mr. Thomas, who was a member of the Cabinet, was at one time an engine worker but he is not now a mechanic. He has written some books on labour. There are many others. Mr. Snowden, for instance, was a member of the Cabinet. He is a member of the Labour Party. Labour can produce able men. Labour will send any person it chooses to represent it. They must not think that labour has got no programme, no literacy, no brains. I can assure honourable members that labour can give more points to the senate and will bring the senate into line with the needs of the times than many members who find a place on the senate.

It has been contended that the millowners have been admitted because their money is needed by the university for endowment purposes. All right, by all means take their money. There is a provision in (C) and (D) for the representation of any association or person who pay a lakh of rupees or over as donation. The millowners can come through this door and therefore I do not see much point in the statement made by the Honourable the Leader of the House that because they want the millowners' money they have given them direct representation.

The question of university extension lectures has been dealt with in clause 35. Who introduced this system of extension lectures in England ? Labour did it. In this direction labour can achieve a lot by devoting greater attention to labour problems.

Then I come to the point raised by my honourable friend Rao Bahadur Kale for whom I have great reverence and respect, and therefore I do not know how on this question he has come to express reactionary views. He says that the time is not ripe and the same remark has been made by the bureaucrats who say that Indians are not yet fit for self-government and that they will not be so fit for over 500 years. If that is the view which the Rao Bahadur holds, then I am sorry for him. There is no catchword here. You are giving representation to city municipalities and district local boards. What are generally the qualifications of the members of these municipalities and district local boards ? Are we in any way inferior to those people ?

Government say that labour can come through the door of nomination. Labour never accepted the nominations made by Government to this honourable House. They raised a hue and cry against them but to no purpose. The names that Labour submitted were rejected by Government. The names of those who fight against Government were not accepted by Government and there was a great deal of discontent that

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the recommendations made by the Provincial Congress Committee were disregarded and that other names were accepted. This shows that Government are not prepared to accept those persons who really represent labour and therefore Labour is insistent that it must get in by the open door of election and not through the backdoor of nomination.

It has been contended by the Honourable the Leader of the House that they have given representation to the millowners because they want their money and also because the millowners can be induced to employ graduates of the university. The cogency of this particular argument I leave to the House to judge for itself. I say that if the House is inclined to carry out the suggestions of the Reform Enquiry Committee, the claims of labour should receive as much recognition as the claims of city municipalities and district local boards and as the claims of chambers of commerce and other like bodies.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, the Honourable the Leader of the House has put the question in its proper perspective. I therefore do not wish to repeat anything of what he has said. However, I would refer honourable members to the scheme of clause 13. The scheme is that every constituency provided for here elects one of themselves—principals elect one of themselves ; university teachers and teachers elect one of themselves ; so also, the head-masters. Even with reference to the corporations and the local authorities, they are to elect one of themselves. That is the scheme of the clause and according to that scheme we expect the election of labour by properly recognisable labour organisations which would send one representative of their own class who would be useful to the university. I submit that I cannot recognise the particular organisation whose claims my honourable friend has put forward before the honourable House. Even looking to the representation in this House, because labour had no proper organisation, therefore there is no right given by election and Government had to provide for representation through the door of nomination. Similarly, if as the result of elections either through the constituency of graduates or through the other constituencies, no proper representative of labour is found on the senate, it would be open to the Chancellor to consider the question of giving them representation in the manner which the Honourable the Leader of the House has explained to this House. I therefore submit that in view of the considerations which the Honourable the Leader of the House has placed before this House and the points which I have submitted to this honourable House, it will turn down the amendment.

Question put. House divided. Motion lost. Ayes 31 : Noes 49.

Division No. 5.

Ayes.

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb  
AHMAD, MOUVI RAFIUDDIN  
AMBEDKAR, Dr. B. R.  
ASAVALI, Mr. R. S.

ATAVANE, Mr. A. M.  
BECHAR, Mr. N. A.  
BHOSLE, Mr. M. G.  
BHUTTO, Khan Bahadur S. N.,  
BOLE, Mr. S. K.

**Ayes—contd.**

DAWOODKHAN SHALEBHOY, Mr.  
GINWALLA, Mr. F. J.  
HAJI MIR MAHOMED BALOCH, Mr.  
JADHAV, Mr. B. V.  
JOSHI, Mr. S. C.  
KAMBLI, Rao Bahadur S. T.  
KHUARO, Mr. M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD  
LIGADE, Mr. S. P.  
MARZBAN, Mr. P. J.  
NAVLE, Mr. N. E.

NOOR MAHOMED, Mr.  
PATIL, Rao Saheb D. R.  
PRADHAN, Mr. R. G.  
RAJMAL LAKHICHAND, Mr.  
SHANKARRAO JAYARAMRAO ZUNZARRAO  
Mr.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SWAMINARAYAN, Mr. J. C.  
SYED MUNAWAR, Mr.  
THORAT, Sardar S. B.  
VANDEKAR, Rao Saheb R. V.  
WASIF, Mr. G. A. D.

*Tellers for the Ayes :* Mr. F. J. GINWALLA and Mr. N. E. NAVLE.

**Noes**

AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
BALAK RAM, Mr.  
BROWNE, Mr. D. R. H.  
CHIKODI, Mr. P. R.  
DABHOLKAR, Sir VASANTRAO  
DASTUR, Khan Bahadur F. M.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
DUGUID, Mr. A.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GUNJAL, Mr. N. R.  
HAMILL, Mr. H.  
HATCH, Mr. G. W.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
JOG, Mr. V. N.  
KALE, Rao Bahadur R. R.  
KARKI, Mr. M. D.

LALJI NARANJI, Mr.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MEHTA, the Honourable Sir CHUNILAL  
MONTEATH, Mr. J.  
MUKADAM, Mr. W. S.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
OLIVEIRA, Mr. F.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
PETCH, Mr. F. W.  
PETIT, Mr. J. B.  
PRADHAN, the Honourable Mr. G. B.  
RIEU, the Honourable Mr. J. L.  
SHETH, Mr. A. D.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
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THORNER, Mr. J. P.  
TURNER, Mr. C. W. A.  
WEBB, Mr. M.  
WILES, Mr. G.  
WINTERBOTHAM, Mr. G. L.

*Tellers for the Noes :* Mr. A. D. SHETH and Mr. J. B. PETIT.

The Honourable the PRESIDENT : Before I go on to the next amendment, I should like to point out to honourable members that for this one amendment honourable members have taken several hours ; and there are 52 clauses of this bill and hordes of amendments in my hand. At this rate, I do not know what progress the House proposes to make.

I suppose it would be convenient if I now ask the Honourable the Leader of the House whether he has any message to convey to the House regarding the question I had put on behalf of the non-official members, as to whether the time gained from Government business would be added to the time allotted for non-official business.

The Honourable Sir CHUNILAL MEHTA : Sir, I have put before His Excellency the suggestion that you made a few days ago, and His Excellency has been pleased to accept that suggestion, and any days that may be saved out of Government business will be added to the days allotted for private business. But it is not proposed to lengthen the

[Sir Chunilal Mehta]

proceedings of this Council beyond the 18th of this month. I hope, Sir, that it will lead to some curtailment of debates.

Mr. H. HAMILL : Sir, I move :

" In clause 13-A II for ' 10 ' substitute ' 20 . ' "

I want to ask the House to reconsider the composition of the senate in the interests of the university. I wish to draw the attention of the members of this House to the fact that the senate as it is proposed to constitute it will consist of 136 members ; that out of that number only 33 will be teachers or people concerned with education. That is, 33 teachers will come in either by direct election or *ex-officio*. Suppose the whole body of nominated members are teachers also. Then the total number of teachers on the senate will come to 73, that is, barely 50 per cent. of the total body. It once or twice appeared to me since discussion of the bill began that members are too much interested in securing representation on the Senate for various outside interests, forgetting that the prime function of the university is not to represent outside interests but to conduct the university education of this presidency. If it is to do so it must consist in the main of people who are carrying on that particular work. I would like to remind you, Sir, that in the university there are 29 boards of studies at present and that each one of these boards of studies must consist of not less than three members under the provisions of the present Act. Three times 29 comes to 87. Therefore we must make provision for such minimum number of educational people on the senate as shall give the university enough personnel to constitute these boards of studies. Now, I recognise that the Faculties have got the power of co-opting to them 50 per cent. of the fellows belonging to them. But this bill is brought before the House with the intention of empowering the university to advance and open up fresh departments. We must therefore make provision on the senate for more than the bare number of fellows required to man the present board of studies. I leave that question for the present and ask you, Sir, to remember that to man the present board of studies we require a minimum of 60 teachers engaged in university work. At present the bill provides, as I said, too small a number of educational people to carry on that work. Therefore I ask the House to consider the possibility of raising the number of elected university teachers and teachers from 10 to 20. This will make a very small addition indeed to the senate and will enable that body to conduct the business for which it is primarily constituted, that is, carrying on university work in this presidency.

Question proposed.

Mr. K. M. MUNSHI (Bombay University) : Sir, I support the amendment moved by my honourable friend.

Mr. B. V. JADHAV : Why did not the honourable member so amend it in the select committee ?

Mr. K. M. MUNSHI : I am not here, Sir, to answer questions from honourable members.

[Mr. K. M. Munshi]

The position is this. There are something like 200 to 300 professors in the presidency. Representation of 10 members out of 400 is a very inadequate representation. As has been pointed out by my honourable friend Principal Hamill this increase is necessary to allow the faculty administration of the university to be carried on in a satisfactory manner. Therefore I have great pleasure in supporting the amendment.

Khan Bahadur F. M. DASTUR : I move the following amendment to the amendment of my honourable friend :

“ Add after the word ‘ teachers ’ in clause 13 II. Ordinary, (ii) the words ‘ including principals. ’ ”

Mr. H. HAMILL : I accept the amendment, Sir.

The Honourable the PRESIDENT : The amendment has been accepted by the honourable mover in the amended form.

Mr. B. V. JADHAV : Is this in addition to 13 in Clause 13 II. Ordinary A (i) ?

The Honourable the PRESIDENT : Quite so.

Mr. B. V. JADHAV : What about the amendment moved by the honourable member Mr. Hamill to that Sub-clause ?

The Honourable the PRESIDENT : He has not moved it.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, in order to curtail the debate, I beg to say that I am prepared to accept this amendment. I would add a word by way of explanation. My honourable friend Mr. Hamill had given notice of an amendment to Sub-clause (1) with reference to principals, by means of which he intended that all the 29 principals should come into the Senate as *ex-officio* Fellows. However, that has not been moved by him, and in order that the principals may be able to stand in this constituency the words “ including the principals ” have been proposed to be added. The result of accepting this amendment would be that the professors and the principals would be properly provided for and there would be less occasion for providing for them under nomination, because provision will be made for ten of them under this clause and therefore the 40 seats for nomination would be available to the classes who are sufficiently cultured and who have aspirations for being on the Senate.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I oppose this amendment. The principals have been given representation under A (i). Here “ university teachers and teachers,” that is the other professors, are given representation. If it is proposed to increase the representation of teachers and professors from 10 to 20 I have no objection. But attempt is being made to bring in principals also, and I must oppose that attempt. Out of 29 principals, 13 principals will be on the Senate under A (i). That is to say, they have got almost 50 per cent. representation. Under this amendment the representation given to the professors will be encroached upon by the principals. Now, we know that in almost all the colleges principals consider themselves



[Mr. J. C. Swaminarayan]

as Lords of the professors, and if principals are included in this sub-clause, then they will use their authority over the professors to get into the Senate themselves, and the other professors will have no chance. When a person is the principal of a college it does not follow that he is the most competent; there may be other men who are more competent; it is by an accident that a person becomes the principal. Although there should be no differentiation between the principal and professors, and the professors should be as much respected as the principal, yet in this House the most favourably situated are given preference; everybody wants to bring in a man who is in power and the man who is not in power is shut out. I have no objection to supporting this amendment if no attempt is made to bring in the principals. Just now, there is a strike in the Gujarat College.....

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no strike now.

Mr. J. C. SWAMINARAYAN : It might have ended now, but there was a strike. All these things are brought about by the overlordship of the principal. Therefore, we do not want to give more power to the principals and thus enable them to lord it over the professors. The principals are not to regard the professors as their subordinates, but in actual practice the principals regard themselves as the superiors of the professors, and if the principals want to get into the senate the professors will be nowhere. When we have 13 of the principals on the senate out of the total of 29, that is 50 per cent., they should be allowed to come into the senate under this sub-clause while 400 professors have only 20 seats, only 5 per cent. Therefore, I must oppose this attempt. If the honourable member Principal Haniff had moved his original amendment I would certainly have supported it, but I must oppose his later attempt to bring in the principals.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am extremely sorry that there should have been any misapprehension in the mind of the last speaker. (Rao Sahab D. R. Patil : Oh, oh :) I am extremely sorry that my honourable friend should say "Oh, oh" either to me or to the previous speakers. It is to remove some misapprehension that I wish to explain to the honourable House what this amendment is. The apprehension in the mind of the honourable member for Ahmedabad seems to be that if principals are allowed to contest seats in this constituency they will lord it over the professors in the election. The effect will be exactly the contrary. There are two electorates. One is the electorate exclusively given to principals, consisting of 13 seats, of which 8 are reserved for principals of arts colleges. Of these 8 again 5 are seats reserved at the rate of one each for each division, and the other three are to be formed into an electorate spreading all over the presidency. There are three seats for which voting will be all over the presidency. The second electorate will consist of professors and principals, and for seats reserved for this electorate principals as well as professors will enter

[Mr. B. G. Pahalajani]

into competition in order to be elected to the University Senate. The principals will have to compete not with the professors of their own colleges but also with professors of other colleges, and the election will be not by the professors of their own college but by 200 or 400 professors formed into a single electorate. So far as the competition with other professors is concerned, it will make the principals not the lords of the professors but the servants of the professors. There is therefore no possibility of the principal of a particular college lording it over the professors of his college. The electorate will be a single general electorate consisting of professors all over the presidency. In this general presidency electorate of 30 colleges, it is a salutary principle to allow professors and principals to contest for seats, so that the professors will not be made to feel that they are in any way inferiors of the principals but their equals, and the principals will feel that they have to compete with professors for seats on the Senate. Therefore the misapprehension in the mind of my honourable friend Mr. Swaminarayan is entirely baseless. I do not think he need have any fears to accept the amendment.

Mr. B. V. JADHAV (Satara District) : Mr. President, when the motion was moved in this House to refer the bill again to the select committee it was vehemently opposed and the motion was not passed. The changes that have taken place in the mentality of honourable members on both sides of this House leads. . . . . (Interruptions).

The Honourable the PRESIDENT : The honourable member can proceed with his speech without answering these interruptions.

Mr. B. V. JADHAV : It shows that it would have been much better if the bill had been referred again to the select committee because it would have been a different bill altogether from the one now before us.

As regards the point raised in the present amendment of raising the number from 10 to 20 I wish only to say that in the original bill as drafted at the time of the first reading all the principals were made *ex-officio* fellows and I think rightly. In the select committee—I am very sorry I have again to refer to the select committee—I was in favour of making all the principals of colleges as *ex-officio* members and I still entertain that view. I was going to support the amendment of my honourable friend Mr. Hamill. But I now find that Government is seeking to do indirectly what they were not allowed to do directly. In the select committee, if my memory does not betray me, my honourable friend for the University was most vehement in curtailing the number of principals as *ex-officio* members of the senate.

Mr. B. G. PAHALAJANI : I rise to a point of order. The secrets of the select committee are disclosed. I think there must be a ruling on this point.

The Honourable the PRESIDENT : What I have already said on the point is practically a ruling. The House can understand a suggestion which may have the force of a ruling that it is not proper to refer to

[The President]

what happened in the select committee. But I cannot quite blame the honourable member the last speaker because many honourable members and even the Honourable Minister has referred to it. I can only ask the honourable member to avoid it.

Mr. B. V. JADHAV : I am quite ready to accept your ruling, but at the same time, Sir, things are so much mixed up that in order to elucidate them I cannot but refer to what took place in the select committee. When the principals were not all to be *ex-officio* fellows a special constituency was created for them. It was felt by some members including myself that their representation was inadequate and that something more should be done. Therefore we readily accepted the amendment to increase the seats from 5 to 10 by University teachers and teachers from among themselves. So it was thought that 5 more seats will be provided for them and that their number will thus be 13 *plus* 5=18. Now by this amendment that number is intended to be increased by 10 again, so that provision will be made for 28 principals out of the 29 principals in the presidency. Well, that is getting things done indirectly which one was not able to do directly. I think therefore that I should raise my word of protest. I would have liked to vote for the amendment of my honourable friend Mr. Hamill that all the principals should be *ex-officio* fellows. It is but right that the principals should have a voice on the Senate. But now the thing is being done under a subterfuge and I shall have to oppose this amendment.

Dr. M. K. DIXIT (Surat City) : Sir, I rise to support the amendment of the honourable member Mr. Hamill. I just want to say one word in reply to what my honourable friend Mr. Swaminarayan said. He said that principals lord it over professors and if they are again given another opportunity to get into the Senate by including them with the professors they may become tyrants, that is, wild men. Sir, we on this side, I mean the non-official members, who have to seek election know what election means. The election is a process of taming down a candidate who is a proved wild creature. If a principal is a tyrant the best thing is to make him seek election rather than his being made an *ex-officio* member. If he wishes to be elected as a member of the Senate through the electorate of University teachers and professors, he can only do so by being popular with his electorate. If his ways are unpleasant, if he does not behave well with the professors, his chances of success are few. He must be in his best behaviour if he wishes to be returned on the Senate. Thus the best way of establishing good and friendly relation between the principals and the professors, is to make both of them dependent on each other for votes.

Dr. B. R. AMBEDKAR : I rise to support the amendment. I am not really in favour of principals of the different colleges coming into the University ; because I am one of those who hold the view that if the University is to grow, the college organization must be subordinated to the faculty organization. It is my own feeling and I do not know how many honourable members share that view. If all the principals are

[ Dr. B. R. Ambedkar ]

allowed to enter they will carry into the University organization a spirit of the separatist and instead of integrating the University into one whole will make University a disintegrated body. But my honourable friend Mr. Hamill has advanced the view that a University must really contain the minimum strength of the academic element that is necessary for the University to function. He has also pointed out that the University as at present constituted does not contain the academic element in sufficient strength. Sir, I think that the point made out by the honourable member Mr. Hamill is worthy of consideration, for I think that while we are democratising the University we must not forget that the University should have a sufficient academic element to enable the University to function as a body entrusted with the educational affairs of this presidency. I do wish that while providing for the presence of this academic element into the University we could have avoided the entry of the principals for the reasons I have already given. But I find that is not now possible, because by the definition in clause 3 teachers include professors. The principals are professors and they could come in whether the honourable member Mr. Dastur's amendment is accepted or not. His amendment is only explanatory and does not introduce any new change. I therefore support it.

Rao Bahadur R. R. KALE (Satara District): I think, Sir, there appears to be some misapprehension on the part of some honourable members, because I think, as was pointed out by my honourable friend Dr. Ambedkar, the amendment only gives more representation to the educated element, and my honourable friend Mr. Jadhav and those who think with him really ought not to be frightened by the amendment. The honourable member Mr. Jadhav said he was prepared to have the principals, but to the amendment of the honourable member Khan Bahadur Dastur he takes exception. But, as was explained when the amendment was moved, the principals are also professors; the only question is whether the educational element is to be increased, so that the nominated seats, which are limited to the extent of 40, should not be encroached upon in order to make provision for some of the professors, that is to say, either professors or principals. So, I do think that as a matter of fact there is nothing to be frightened at in the amendment of the honourable member Khan Bahadur Dastur. It only explains; it only makes the meaning clearer; it leaves it beyond any doubt. So, I submit that the amendment will be carried by the House.

Mr. H. HAMILL: I do not think, Sir, that the objections to the proposal amount to very much. The honourable member Mr. Swaminarayan objects to the inclusion of principals in this clause to the amendment to my amendment, because principals are in his opinion no greater than professors. But it has already been pointed out that in our definition of "teachers" principals come in automatically. The inclusion of the honourable member Khan Bahadur Dastur's amendment in my amendment therefore does not change the validity of my amendment at all. Apart from that altogether, I put it to the Council that one of the

[Mr. H. Hamill]

objects that we ought to have in view is to produce the maximum of co-operation between affiliated colleges and the University, and whatever members of the college staffs may appear on University bodies, I can assure the members of this Council that the maximum co-operation will not be attained between the University and any college of which the principal is not on a University body. It is absurd to imagine that any ordinary member of a college staff other than the principal can with the same weight or influence represent the interests of his college to the University. The honourable member Mr. Jadhav objected to the amendment, on grounds which I cannot understand. If he was prepared to support an amendment which would make all principals *ex-officio* members of the Senate, then he ought, if he is logical, to support this amendment which makes it possible for those principals who do not come in by election under clause (A) (i) to come in under Clause (A) (ii). I, therefore, submit that the amendment should receive support from all the members of the Council.

The Honourable Dewan Bahadur HARILAL D. DESAI : I will accept the amendment, Sir. I have nothing to add to what the honourable members who have spoken already in favour of it have said.

The Honourable the PRESIDENT : The amendment proposed is . . .

Mr. B. G. PAHALAJANI : When an amendment is moved accepted by Government, has it to be put to the House ?

The Honourable the PRESIDENT : Yes. The amendment as amended and accepted runs thus :

In Clause 13, II Ordinary, (A) (iv), after the words "teachers" add "including principals," and substitute "20" for "10"

The clause (A) (ii) will, therefore, read as follows :

"By University teachers and teachers including principals from among themselves . . .  
.....20."

Question put and carried.

Mr. B. V. JADHAV (Satara District) : Sir, the amendment which I wish to move runs as follows :

In Clause 13 (1) II (A) (iv) delete (d) and (e).

I do not think it is necessary for me to say anything more. The mill-owners have got a very wide door open for them under the donation clause and I think it will be fit for them to enter by that clause and not to seek entrance under this clause. As representation is denied to labour, I urge that it stands to reason that the capitalists also should not get representation here. They will form a very small electorate, and especially two seats for them are rather excessive. I therefore move, Sir, that the seats given to them now by the select committee should be taken away.

Question proposed.

Mr. R. S. ASVALE (Bombay City, North) : Sir, I support the amendment.

The Honourable the PRESIDENT : The amendment has been moved and further discussion will be taken up to-morrow. But before I adjourn, I should like to intimate to the House that I have been given this requisition signed by several honourable members, and I find the name of the Honourable the Leader of the House also on it. Dussera holiday comes off on the 6th of October and some of the honourable members wish to go to their homes. In order, therefore, to allow honourable members sufficient time to go back, the suggestion made is whether I will allow the session to be held up to 2 p.m. on Wednesday the 10th October. (After a pause). Order, order. I am not going to take the matter up now, I am simply giving the information to the House so that they can have time to think over it till to-morrow. The House is now adjourned till 2 p.m. to-morrow, Tuesday, the 4th October 1927.

*Tuesday, the 4th October 1927*

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 4th October 1927, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BIRADAR, SARDAR MAHABOOBALI KHAN  
 BOLE, Mr. S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DASTUR, Khan Bahadur F. M.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 DUGUID, Mr. A.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HAMILL, Mr. H.  
 HATCH, Mr. G. W.  
 HUDSON, Sir LESLIE  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHANGIR, the Honourable Sir COWASJI  
 JOG, Mr. V. N.

JONES, Major W. Ellis  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHRO, Mr. M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LICADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVI F, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 WANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.  
 WINTERBOTHAM, Mr. G. L.



*(Further consideration of Bill No. XXI of 1927, Bombay University Bill resumed.)*

The Honourable the PRESIDENT : Order, order. Further consideration of the amendment of the honourable member Mr. Jadhav to clause 13 of the Bombay University Bill, namely :

“ Clause 13 (1) II (A) (iv), delete (d) and (e).”

Mr. R. S. ASAVALE (Bombay City, North) : Mr. President, I rise to support the amendment moved by my honourable friend Mr. Jadhav. When the question of the representation of Labour on the Senate came up before this House yesterday, every honourable member who was in favour of the original proposition and against this amendment are now against that proposal also. The representation asked for Labour on the Senate was one member on the Senate, and yet this honourable House was not in the mood to accept that amendment, and it was thrown out with the help of the honourable members opposite. Sir, now as proposed in the bill and passed in the select committee only 10 seats have been reserved for teachers, and yet now the Honourable Minister comes forward and accepts 10 seats more to be given to the teachers. Does it not show that out of the total representation given on the Senate, a majority of the number of seats is given to the graduates of the Bombay University ? If you refer to any clause dealing with representation on the Senate, you will find that it is given to graduates. When the House is not inclined to give any representation on the Senate to anybody else except graduates, that means that the University would consist of graduates of those classes only, as it has been the case since the establishment of the University up to now. We know the history of the Bombay University, how it was established, and how these backward communities were purposely neglected when it was formed, and now, when the University is to be democratised, no provision is made for the representation of these backward classes nor do they desire to do so. In these democratic days even they do not want to help all the inhabitants of this presidency who are concerned in this matter. If such things are going on, I fear that the University in the future will consist of those people only for whose benefit the University was formed before, and nobody else. With these few remarks, I support the amendment moved by the honourable member Mr. Jadhav.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I wholeheartedly support the amendment of the honourable member Mr. Jadhav. Sir, in the original bill, the Millowners' Associations of Bombay and Ahmedabad were not given any representation, but this representation was given to them in the select committee. Now, in view of the fact that representation to Labour has been denied, in fairness and justice no representation should be given to the capitalists, namely, the millowners. Sir, in the temple of learning there should be no distinction between the rich and the poor, between the capitalists and the labourers. Here, unfortunately, we are going to create a temple of learning in direct contravention of the spirit which ought to prevail in a temple of learning. In this bill, the capitalists are given a nice place on the Senate, while Labour has

[Mr. J. C. Swaminarayan]

been denied any place whatsoever. Sir, there is a proverb amongst us about a poet called Akho. He went to the temple dressed as a poor man in tattered clothes. At that time he was not admitted into the temple, and he was not given even a small morsel of the sweetmeats which are offered to the deity. But, later on, he dressed himself as a very rich merchant, and, in the expectation that this merchant would pay a large sum to the owner of the temple, he was taken just near the deity, allowed to see the deity from close proximity, and given basketfuls of sweetmeats. The same is the case here. We do not want to create a temple of learning in which such distinctions should be observed. If yesterday the amendment about giving representation to Labour had been carried, I should not have objected to the retention of the millowners, but here, it seems to be thought that because the millowners are rich, because the millowners might pay something, they should be kept. The expression that was used by the Honourable Minister was very enlightening. He said he wanted to rope in the millowners, as if the millowners will be roped in by the way in which it is sought to be done here. If a millowner pays a lakh of rupees, he has the right of sending a representative to the Senate, and if the Millowners' Associations pay each a lakh of rupees, the Associations will be able to send a representative to the Senate.

The Honourable Minister himself admitted that he did not have any idea that these pocket boroughs should get into the constitution of the senate. Because they have been there unfortunately he would support them. I wish he were courageous enough to take up the stand which he originally had taken and support the deletion of clauses (d) and (e) so that the constitution of the senate would be just and fair both to capital and labour. We should not give representation to the Millowners' Association because they are rich and deny representation to labour because they are poor (An Honourable Member : What about Indian Merchants' Chamber and Bombay Merchants' Chambers ?). I say they are also unnecessary. Unfortunately the amendment proposed to be moved for throwing away representation for Indian Merchants' Chamber and Bombay Merchants' Chamber was not moved by the honourable member Mr. Bole. I think the House will be well advised in throwing away the two clauses (d) and (e) and reject representation to the Millowners' Association of Ahmedabad and Bombay. I wholeheartedly support the amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose the deletion of these clauses. The Honourable the Leader of the House explained yesterday how it was necessary to interest the industrial and commercial classes in the university so that they can support and largely endow money for technological studies which the university proposes to introduce. There is no contrast in this matter between capital and labour. Here is a case where if the industrial and commercial classes are on the senate it will be to the advantage of both capital and labour. It was with such a view that the select committee inserted this provision and I submit that the House should let these clauses stand.

The Honourable the PRESIDENT : The honourable mover to reply.

Mr. B. V. JADHAV (Satara District) : Sir, I do not wish to take much time of the House. The Honourable Minister has assured us that there is no conflict of interest between capital and labour but I am very sorry to observe that the conflict was laid bare.....

Mr. P. R. CHIKODI : I rise to a point of order. The motion before the House is for the deletion of the clause. How can the honourable member Mr. Jadhav exercise the right of reply as mover of the amendment ?

The Honourable the PRESIDENT : The motion is for deletion of certain portions in a clause.

Mr. B. V. JADHAV : I would request the honourable member to pay more attention to the work that is going on. If he had done so he would not have found time to call such points of order.

The Honourable Minister for Education has assured us that there is no conflict of interest between capital and labour. I was rudely shocked yesterday to see that even one seat was denied to labour. If the Honourable Minister had at least allowed that one seat to labour his argument that there was no conflict of interest between capital and labour could have been accepted. I am very sorry to say that I am not yet convinced that there is no conflict of interest. I have laid before the House my arguments. I am not personally against the millowners getting representation. They are doing a very necessary service to the nation and we wish them every success, because on their success depends the success of labour also. Unless capital thrives labour will not thrive. Therefore the prosperity of capital is as necessary to the prosperity of the nation as the well-being and healthy advance of labour. For that very purpose we have been asking for representation of labour on the senate. That has unfortunately been denied. I am quite sure that a day will come when labour will be heard and heard with respect, and be admitted into the senate by the front door and not let in by the backdoor as has been promised. I am rather very much suspicious about the usefulness of the nominated seats, because we sometimes find undesirable men getting nomination in certain bodies. Many a time many interests which have been over-represented in elections are also favoured in nominations. There are certain nominations to local bodies and even to the senate, which will substantiate the point I wish to make out. I do not think that I need take more time of the House by giving instances. I would impress upon this House that it is necessary in fairness to the demand of the labourers that there should not be any special favour shown to the millowners or capitalists. I am not going to shut out the millowners. Labour has been shut out by the rejection of the amendment which was moved yesterday. The capitalists will not at all be shut out because a wide door has been purposely provided for them. Both the millowners' associations of Bombay and Ahmedabad can at any time give a lakh of rupees and secure representation for them. It is unfortunate that the labourers have not got money to spare in order to secure a seat in a similar way. Therefore the millowners will not be shut out and they will like to come in their own

[Mr. B. V. Jadhav]

right and not as a matter of favour. I think the capitalists should go into the senate on the right of purchase of that seat and not by the favour which they are now seeking.

The Honourable Dewan Bahadur HARILAL D. DESAI: I have nothing to add. I reserve my reply with regard to the remarks of the honourable member about nomination when the amendment to increase the number of nominated seats comes up.

Question put and lost.

Mr. B. V. JADHAV: Sir, I claim a division.

The Honourable the PRESIDENT: There is one thing I wish to point out, and this is the proper moment for it. We have had two instances of mistakes in the voting list. Yesterday in connection with clause 12 there was a division\* asked for, and the tellers omitted to tick Mr. Martin who voted for the Ayes and in his stead marked Mr. Marzban who voted for the Noes. Mr. Marzban says that he voted for the Noes and Mr. Martin says he voted for the Ayes. Therefore a correction should be made to that effect in the voting list. Mr. Marzban was shown in both the lists, and therefore there will be no correction in the totals of the votes marked in both the lists. I would, therefore, repeat my request to the honourable members who go as tellers to be careful to tick the proper voters.

Question put: House divided: Ayes 14; Noes 55; Motion lost.

### Division No. 6

#### Ayes

AMBEDKAR, Dr. B. R.  
ASAVALA, Mr. R. S.  
BECHAR, Mr. N. A.  
BOLE, Mr. S. K.  
JADHAV, Mr. B. V.  
JOSHI, Mr. S. C.  
KAMBLI, Rao Bahadur S. T.  
NAVLE, Mr. N. E.

PATIL, Rao Saheb D. R.  
SHANKARRAO JAYARAMRAO ZUNJARPAO,  
Mr.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SWAMINARAYAN, Mr. J. C.  
THORAT, Sardar S. B.  
VANDEKAR, Rao Saheb R. V.

*Tellers for the Ayes:* Mr. B. V. JADHAV and Mr. R. S. ASAVALA;

#### Noes

AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BHOSLE, Mr. M. G.  
BROWNE, Mr. D. R. H.  
CHIKODI, Mr. P. R.  
DABHOLKAR, Sir VASANTRAO  
DASTUR, Khan Bahadur F. M.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESAI, Mr. J. B.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.

DUGUID, Mr. A.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GILDER, Dr. M. D.  
GUNJAL, Mr. N. R.  
HAMILL, Mr. H.  
HATCH, Mr. G. W.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
JOG, Mr. V. N.  
KALE, Rao Bahadur R. R.  
KARKI, Mr. M. D.  
LALLJEE, Mr. HOOSAINBHOY ABDULLA-  
BHOY  
MANSURI, Khan Saheb A. M.

## Noes

MARTIN, Mr. J. R.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 OLIVERA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PETCH, Mr. F. W.

PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SURVE, Mr. V. A.  
 THORNBEE, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 WEBB, Mr. M.  
 WINTERBOTHAM, Mr. G. I.

*Tellers for the Noes :* Mr. K. M. MUNSHI and Mr. J. B. PETIT.

Mr. R. S. ASAVALE (Bombay City, North) : Mr. President, I beg to move :

In clause 13 (1) II, Ordinary (A), sub-clause (iv) after “(e)” add the following sub-clauses :

“(ee) Labor Unions of the city of Bombay .. .. .	3
“(ef) Labour Unions of Ahmedabad .. .. .	1
“(eg) Labour Unions of Sholapur .. .. .	1

My reason for bringing forward this amendment is this. Yesterday when the question of giving representation to the Provincial Committee of the Trade Union Congress was brought before this Council by the honourable member Mr. Ginwalla, it was argued by some of my honourable friends that if representation was asked for specific labour unions they were willing to support it. And this is the amendment which they wanted yesterday. It has to be borne in mind that even the honourable member Mr. Winterbotham pointed out in this House that if such a specific amendment is brought before the House he might support it. Now this amendment is before the House. There are nearly 3,50,000 labourers in Bombay City, Ahmedabad and Sholapur and I am not demanding representation for the Bombay City labourers only. Yesterday when the amendment regarding the representation of provincial committees was being discussed it was pointed out that it consisted of very few members and that it was not necessary to give representation to such a small body. But here I would bring to the notice of the House that these unions do not consist of a few persons but it consists of more than 10,000 in each union. In the textile labour unions there are about 12,000 members ; in the G. I. P. Railway labour unions there are about 6,000 members and in the seamen's labour union there are about 12,000 members. There are nearly 30,000 people belonging to the labour unions and they are very well organized. The Government of India have registered these unions. We do not want the unions which have not been recognised by Government to have representation on the senate of the university. Now some of the unions such as the railway union, the port trust union and the seamen's union have been recognised by their own employers. It is only the textile union that has not been recognised by their employers, that is the millowners. I have therefore made out this case for the labourers to have representation on the senate of the university and I think the argument that Labour is not united and is not organised is not a true reason. They are organised

[Mr. R. S. Asavale]

to-day and will be thoroughly organised in few days. I believe that Government will come forward and give them the front-door entrance and not the back-door entrance. No doubt the labourers will get representation by nomination but it will not be adequate. No doubt they will get one seat by nomination, but I think it will not be sufficient for such a big body like this. I would conclude my speech with the request that the Honourable House as well as Government benches should help this moderate amendment, which is not a big request as four seats have been given to the Merchants' Chamber and the Mill-owners Association.

Mr. N. A. BECHAR (Karachi City) : Mr. President, I rise to support the amendment moved by my honourable friend from Bombay North. Sir, we heard a very eloquent speech of the Honourable the Leader of the House yesterday clearing and clarifying the position of Government with regard to representation of Labour. If I followed him aright he ultimately came down to this fact that because there were different unions who could not combine in an effort to secure for them jointly representation on the senate, it was not quite possible for this House or for Government to support the representation of the Labour unions on the senate. Sir, if the Honourable the Leader of the House sticks to that position then the amendment moved by my honourable friend really clears the difficulty. So far as the city of Ahmedabad is concerned, as you know, it is a big centre of textile industry. It might be called the Manchester of India and this is the only industry in Ahmedabad which employs over a lakh of persons. That union of textile industrial workers is very well formed. It is functioning since the last 8 or 10 years. In that union a lady like Ben Anasuya Sarabhai is the Secretary. They have a regular office; their subscriptions are collected regularly; they have a hospital and a dispensary; they have their schools and it is a model union of which the Bombay presidency may well be proud. Yesterday we were anxious to secure only one seat for Labour and so far as Bombay is concerned I do not think there is much force in the arguments that they advanced. If there is a will there is a way. If Government is anxious to give representation to Labour it is not at all difficult. As a matter of fact Mr. Joshi who is the representative of Labour on the Legislative Assembly and who is the head of the Trade Union Congress in Bombay, has organized these unions very well. But if there is any difficulty in Bombay it cannot be said that such difficulties are experienced so far as Ahmedabad is concerned. Therefore, Sir, the amendment of my honourable friend Mr. Asavale puts Government to their test, to their sincerity to see whether they actually desire to give representation to Labour. Sir, it has been asked in the course of the debate yesterday, what purpose the representation of Labour on the university is likely to secure. The honourable member for Satara went on to say that the time has not yet arrived when Labour can be given representation on the senate. Sir, I should like to deal with these points which had been raised and to which I had no opportunity to answer. Sir, as you know, in the Bombay presidency textile industry is by far the greatest industry, and largely on that account

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the Millowners' Association, for which the Honourable the Minister for Education seems to have some soft corner, just put in a strong plea for retaining the representation added somehow in the select committee, and since he has allowed that representation, on that very principle, Sir, since textile labour is largely affected, on that account I think these unions should be given representation. It was pointed out to us that because the millowners are employing a large number of graduates, or at any rate would employ a large number of graduates, who should be acquainted with the textile industry, therefore, it was necessary for millowners to represent their point of view, so that the graduates that may be trained in the University might have some practical knowledge of the working of the mill industry. Sir, this was the point raised by the Honourable the Leader of the House, and I think, Sir, that if the working knowledge of the textile industry from the point of view of the millowners has become a matter of necessity for the University, then I ask, Sir, is it or is it not also necessary that a labour representative ought to give his views as to what kind of knowledge a graduate who is thinking of joining the textile industry should have from a labourer's point of view? After all, Sir, these young graduates that you are turning out from these colleges are surely going to be the managers and are going to have a very large share in the affairs of the management of mills. And, Sir, since that is the case, I hope this point will at least be conceded that these managers, these assistant managers, these superintendents, and those who will be interested in the mill industry should know the other side of the shield. They should know how to deal with the problems of labour and how to work with people with whom they have to work and from whom they have to take work. So, I think it is necessary that people who are turned out by the University should have some practical knowledge, some living touch with the labour conditions and the labourers of Bombay and Ahmedabad. Therefore, on that very strong point the Honourable the Leader of the House, I am sure, will move the Government benches to vote for this proposal.

Then, Sir, again, with regard to the function of the University, if you will look at this very name "University" and you take the first word "Universe", it covers the whole of the universe (Laughter). Well, Sir, leave alone the universe, I am talking of this only one presidency, and of this presidency labour forms 90 per cent. of people, and if this University has got no purpose, if this University has got no ambition to be in living touch with this 90 per cent. of people, I ask you, Sir, whether this name "University" with a name collaborating the whole of the universe can have any practical application worthy of its name. Therefore, Sir, in England and other countries they are organising extension lectures at night, and if you want that these labourers should have the benefit of those lectures, that those lectures should be organised in a manner that would elevate the labouring classes to the largest extent, then I submit to you, Sir, that you should have a representative of labour who ought to be able to guide the people as to what kind of lectures, what kind of subjects and what kind of work in the extension lectures the lecturers should give.

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Then, again, Sir, I find that there is a certain amount of prejudice, there is a certain amount of hatred, towards the labouring classes and those who are doing manual work are considered to be very inferior beings, and those who associate with labour are also somehow roundly condemned, and to think of labour, to talk of labour, or to consider anything about labour, in the estimation of these aristocratic and intellectual people is mere sham. I ask those people holding these views to change their opinion. The Lords in the kingdom of England about a hundred years ago shuddered at shaking hands with labourers and their representatives, and they thought they had no use for these people. If they ever shook hands with them, they took good care to apply special soap to clean their hands. And what do you find to-day? To-day those very liberals, those very Lords, have served under Labour Government and labour members are there to-day occupying their rightful position in the British Parliament. Sir, I ask these very people to kindly think of it, for I am sure the future is with labour. In ten or fifteen years you may find a very great revolution. Perhaps people holding socialistic views, labour views, might come into power, and I ask my honourable friend representing the University as to whether he does or does not desire that people holding labour views should be actually acquainted with the problems of the University. From whom is he going to get grants if the next Minister came from Labour? Is he going to get a single farthing unless and until the labour member knows the actual requirements of the University? I go further and say that labour ought to be tried and trained in the actual problems of administration of day to day, and unless and until you begin to give him some share in the administration of your country,—and I say University is a very good ground for training,—then, I say, Sir, you are really helping to have a sort of chaos and are not making any attempt to train those who are going to be your leaders of to-morrow. Therefore, Sir, I hope that the attitude exhibited by people on the other side, as also the Government benches, will be quite reversed to-day and that they will see the reasonableness of conceding this small demand which has been made by the amendment moved by my honourable friend from Bombay. Sir, it has been argued by the Honourable Minister of Education that because the millowners are likely to give him money, therefore, let us round them up in the University, so that it may be possible for him to get some money for the University. Sir, . . .

The Honourable the PRESIDENT: Order, order. May I point out to the honourable member that the question of the claims of labour unions and congress has been placed before the House in full detail for the last two days and the honourable member is taking this opportunity also to answer points which have been raised before this amendment? I should request honourable members, whoever they be, to limit their remarks to the amendment before the House and that too briefly.

Mr. N. A. BECHAR: I shall conclude, Sir. I wanted to request your indulgence in replying to this one point which is a very important point. You are giving representation to the millowners with a view that they



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will contribute in material wealth for the advancement of the cause of the university.....

The Honourable the PRESIDENT : That has been argued over and over again.

Mr. N. A. BECHAR : Then I sit down.

Mr. S. K. BOLE : Sir, I rise to support the amendment moved by my honourable friend Mr. R. S. Asavale. When at the time of the first reading of this bill some amendment was moved for giving representation to Mahomedans and to backward, depressed and labouring classes, certain speeches were made against the policy of introducing the question of communal representation in the sacred precincts of the temple of education, the university, but what has happened since then ? Those very members who preached long sermons have accepted the principle of communal representation in another form. They have given representation not to communities as such but to classes and as they have given representation to classes, it is but fair and just that they should give representation to the masses also.

It has been asked what good labour representatives would do in the senate. I think that if labour representatives had been there in adequate numbers, they would have shown the Senate what sort of education is required to be given at the present time to our young men. The university, in the absence of labour representatives, has only become a factory for turning out clerks who do not know what to do after passing their examinations. Had they been given technical education, they would have been able to earn their living. Therefore, I submit that it is very necessary that the representatives of labour should be on the senate.

Yesterday it was said when my honourable friend Mr. Ginwalla moved his amendment for giving representation to the provincial committee of the All-India Trade Union Congress that that body was not well represented and well organised, but here there is a definite proposal as representation has been asked for such bodies as labour unions of the city of Bombay, labour unions of the city of Ahmedabad and the labour unions of the city of Sholapur. Nobody can deny that these bodies are well organised. They are carrying on their business in a very good manner. I therefore submit that the House should not give representation to one class and deny it to another. The Honourable the Education Minister told us yesterday that he was not at first willing to give representation to millowners but that afterwards he agreed to give it to them because he had hopes of getting money from the millowners for endowing the university. This proves the truth of the old saying that money makes the mare go. But, Sir, I would request him to be fair and just to the rights and claims of the labouring classes as well and I hope that he will accept the modest amendment before the House.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu) : Sir, I support the amendment which my friend from Bombay has brought forward, and I wish he had proposed similar

[Mr. Haji Mir Mahomed Baloch]

amendment for granting representation to agriculturists upon whose combined labour we are all enjoying and running in motor cars. Here we see representation is given to Merchants' Chambers and Chambers of Commerce, Millowners' Associations and so on, but they at once get ready to cut the throats of labour when the question of representation to labour on the Senate is brought forward. When I saw yesterday's "tamasha" I was exceedingly surprised. We know how adept Government is in playing off one party against the other and holding their seat firm and strong. If to-day they pat one party on their backs, to-morrow you will find them applauding the other party and in the bargain they will strengthen their own position in the Council. What astounded me most was the fact that whereas Khaddarwallas who were reputed to be strong opponents of Government are now flocking into the Government lobby and those who were thick friends of Government are seen voting against Government. Why should we not, as brothers, decide amongst ourselves what each party would like and then claim it from Government? Mahatma Gandhi had advised his countrymen not to enter the Councils because he was certain that in the lure and glare of the Councils his countrymen would forget themselves and their duty to their own country. Here I am extremely grieved to find the sorry spectacle of Khaddarwallas themselves forgetting themselves and Mahatma Gandhi's prediction appears to have come true at least in the case of this Council.....

Mr. B. G. PAHALAJANI: On a point of order, Sir. I wish to ask whether any member has any right to attribute motives to any other member of this House and also whether the Chair will come to our relief. The honourable member has been attributing motives to honourable members of this House. There has been a ruling given on this subject by your predecessor and it is as follows:—

"The Honourable the Finance Member is quite right. I think in this House no motive ought to be attributed by one member to another—by non-official members to Government members and by Government members to non-official members.....It will affect considerably the dignity of the House."

If the President does not come to our relief, the whole discussion will take a disagreeable form.

The Honourable the PRESIDENT: I was coming to the relief to some extent, but the ruling that has been quoted refers to individual attacks. Here there is a general statement made by the honourable member as to his own surprise as to how his comrades in Khaddar have gone adrift from him. I would however warn the honourable member, Mr. Haji Mir Mahomed Baloch, that if his remarks are not soon brought to bear upon the amendment, they will be ruled out of order.

Mr. HAJI MIR MAHOMED BALOCH: I will obey your ruling, Sir. Some of my honourable friends get delighted at my remarks, but their own position, I should like to tell them, was worse than Khadarwala swarajists till recently. Sir, my object in making those remarks was to show that we co-operate with Government while neglecting the interests of our brethren outside. In this House, all of us on this side should

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co-operate and do what is necessary to safeguard the interests of Labour. That is my hope, and if we cannot do it, we will be able to do nothing.

Mr. G. L. WINTERBOTHAM (Bombay Chamber of Commerce) : Sir, as I was referred to by the honourable mover of this amendment, I think it desirable to explain my position as to why I find it entirely impossible to support this amendment. It appears to me that the objection which I raised to the amendment moved by the honourable member Mr. Ginwalla yesterday applies with fourfold force to the present amendment. In the first amendment, it was proposed to give the right to elect one member to a small body. By this proposed amendment it is proposed to give the right to elect 5 members to a wholly undefined body of people who cannot, by any stretch of the imagination, be considered to constitute a satisfactory electorate. The honourable member does not even seek to define what particular unions of the various cities named should have the right to elect : he does not even say that they are to be registered unions. And even if he means registered unions, these are yet in their infancy having only received legal recognition some six months ago. How then can they be regarded as constituting a satisfactory electorate ? That, as the Honourable the Leader of the House stated yesterday, was the only serious difficulty in meeting the wishes of the representatives of Labour. If the representatives of Labour would settle down and try to evolve some amendment which would satisfactorily meet the point raised by the Honourable the Leader of the House yesterday, there would be some point in these discussions. I submit that it is pure waste of time to go on in this way. If a satisfactory electorate to send a representative of Labour to the Senate is suggested, I think the House will be only too pleased to consider it. I would ask the honourable mover of the amendment to try and put himself in the position of the Registrar or whoever is the proper party under the rules to call upon this proposed constituency to elect a member. To whom would he apply, and after having applied to one union, what would there be to prevent 15 or 16 other unions coming in and saying that they too had the right to elect a member ? Under these circumstances, I think it is quite impossible to accept the amendment.

Mr. N. A. BECHAR (Karachi City) : Sir, I wish to move a slight amendment to the clause.

The Honourable the PRESIDENT : The honourable member has already spoken.

Mr. N. A. BECHAR : I want to move a verbal amendment.

The Honourable the PRESIDENT : The honourable member should have moved his amendment when he spoke. What is the amendment ?

Mr. N. A. BECHAR : I want to say with regard to labour unions, they should be textile labour unions. I want to add the word " textile " before the words " Labour Unions of Ahmedabad," so that it might be made clear.

Mr. R. S. ASVALE : I accept it.

The Honourable Sir COWASJI JEHangIR : Sir, I rise to a point of order, as it is rather an important point. I have no desire whatever to prevent the honourable member moving an amendment, but my honourable friend has addressed the House, on the question once, and having once addressed the House, he has no right to address the House again. Moving an amendment means addressing the House, although he says only five words. Unless you permit it, the honourable member cannot speak on the same subject a second time, which is not allowed under the rules. I contend that the honourable member is out of order in rising a second time.

The Honourable the PRESIDENT : I do not take such a narrow view of the matter. The Honourable the General Member is perfectly right in drawing my attention to the fact, and I quite agree with him, that no honourable member has a right to address the House twice on the same subject. It is possible, and every one can imagine, that a particular amendment may suggest itself to an honourable member at any stage of the debate, and that amendment may be suggested without a speech, as the honourable member has suggested the amendment. He has only suggested it.

The Honourable Dewan Bahadur HARILAL D. DESAI : Can he not go to some one else ?

The Honourable the PRESIDENT : The suggestion is to add the word "textile." The Honourable Minister for Education said that he could have suggested the amendment to another honourable member. But he can imagine easily a case in which an honourable member may go round the whole House and not find a single honourable member willing to do it.

An Honourable MEMBER : Then he cannot move it.

Rao Saheb D. R. PATIL : If the ruling given by the Chair is that the honourable member has a right to move his amendment, then I have nothing to say.

The Honourable the PRESIDENT : He has only suggested the addition of that word.

Rao Saheb D. R. PATIL : Then I want to move an amendment to the amendment. It is as follows :

Add the word "Textile" before the word "Labour" in (ef) of clause 13.

I do not think it is necessary to make a speech. I merely move it.

Mr. R. S. ASAVALÉ : I accept the amendment, and the suggestion also.

Mr. B. G. PAHALAJANI : A suggestion is not an amendment.

Rao Bahadur R. R. KALE : I rise to a point of order. Before an amendment to an amendment is moved, permission has to be taken to do it. I do not know whether permission was asked for or granted. Mere suggestions, I think, cannot be regarded as amendments.

The Honourable the PRESIDENT : That was merely a suggestion. He wished to suggest that the word "Textile" should be added. The matter has ended there.

Rao Sahab D. R. PATIL : Then I move the amendment with the permission of the Chair.

The Honourable the PRESIDENT : The word "Textile" is to be added before the words "Labour Unions of Ahmedabad." That has been accepted by the mover of the original amendment.

Mr. G. L. WINTERBOTHAM : May I make a speech on an amendment to an amendment to an amendment.

The Honourable the PRESIDENT : I do not think the honourable member can speak now.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : With your permission, Sir, I should like to move an amendment to the amendment. It is as follows :

Add the word "Registered" before the words "Labour Unions" in (ee), (ef) and (eg).

That will solve the difficulty which was mentioned by the honourable member Mr. Winterbotham.

Mr. R. S. ASAVALE : I accept that too, Sir

The Honourable the PRESIDENT : Now, the amendment is to add the word "textile" to the unions of Ahmedabad and Sholapur and the word "registered" to be added to all the three sub-clauses. Has the honourable mover of the original amendment leave of the House to amend his amendment accordingly ?

Question put and leave refused.

Mr. N. A. BECHAR : Can we claim a division on this, Sir ?

Mr. B. G. PAHALAJANI : I do not know how we can have a division so soon.

Rao Sahab D. R. PATIL : Is the leave of the House necessary, Sir ? Will not the permission of the Chair be sufficient ?

The Honourable the PRESIDENT : After the House is possessed of the amendment the leave of the House is necessary.

Mr. B. V. JADHAV (Satara District) : Sir, it is painful for me to see the temper of the House when such an innocent amendment is moved. A certain section of the House has refused leave.....

The Honourable the PRESIDENT : The amendment to the amendment is not before the House.

Mr. B. V. JADHAV : I am referring to the fact that leave was not granted to the amendment to the amendment. I think I am perfectly justified in commenting upon it, and speak on the original amendment.

The Honourable the PRESIDENT : Yes ; the honourable member can speak on the original amendment.

Mr. B. V. JADHAV : Objections were raised to the amendment as it was proposed by my honourable friend from Bombay ; and in order to remove certain difficulties an amendment to an amendment was proposed. I think it was in accordance with the suggestion of honourable members who thought that the amendment was defective in certain particulars. It is very strange that on such an occasion leave should be withheld.

[Mr. B. V. Jadhav]

It shows the temper of the House and certain members are not even willing to allow things run smoothly. They want to have things all in their own way. They are not open to reason and will not allow any say to those who in this matter have to differ from them. I do not think that it is an enviable mood of mind.

However that may be, coming to the original amendment as moved by my honourable friend from Bombay, I wish to say that only yesterday the Honourable the Leader of the House when he opposed the amendment of the honourable member Mr. Ginwalla said that the constituency proposed by him was not a regular constituency, that the members of the Congress were very few in number and therefore he could not accept it as a constituency to represent labour. But if some one would suggest a properly organised constituency he would consider the proposal. To-day we find that he has not opposed this amendment and I am led to believe that perhaps he may be thinking of supporting the amendment. I shall be very glad if he does so ; and I shall be painfully surprised if he does not. It is necessary that labour unions or at least those which are registered should have representation on the senate. Labour unions in their present stage of development are not perfect. Nobody will deny that. It does not mean to say that they are not organised bodies. They are being slowly organised and evolved and if they are encouraged properly, I think their development will be faster. If they are always snubbed their progress will be retarded to a great extent. Even in the case of our children we give them encouragement by patting on the head or by offering sweet things when they do even a trifling thing. In the same way these infant labour unions and labour organisations deserve to be encouraged by those who are in power. But I find that the temper of the House is opposed to reason. They appear to have come here with a certain set of opinions and seem determined to have their own way. I appeal to them again to see that labour which has been neglected so far be encouraged. They do deserve encouragement. They are trying to organise themselves ; they have formed a number of registered unions and their total number of membership has gone up to 30,000. If this is not a laudable effort, worthy of recognition and encouragement, I fail to see what will satisfy the opposition benches. I therefore appeal to Government to see their way to accept this amendment.

Mr. H. DOW : Sir, I rise to oppose this amendment. I wish to draw the attention of the House to one small point. It must have struck the House what a large measure of the support which this amendment has received has come from Karachi. Karachi is a large city ; as large as Ahmedabad, and a great deal larger than Sholapur. The members from Karachi who spoke on behalf of this amendment, represent labour or claim to represent labour, but what they have to say about labour in Karachi ? Nothing. Why ? (Interruption).

The Honourable the PRESIDENT : Order, order.

Mr. H. DOW : The answer is that if they had referred to labour conditions in Karachi, they would have practically had to support the position

[Mr. H. Dow]

taken up by the Honourable the Leader of the House. Labour in Karachi is so unorganized that, if it is to be represented at all, it must really be by nomination in the ordinary way.

Then, the other point which I would have liked to make is one which I think would have been made by the honourable member representing the Chamber of Commerce if he had been allowed to speak. But I think the amendment proposed to the amendment has been ruled out, and therefore I cannot speak on that point, and I therefore resume my seat.

Mr. R. G. PRADHAN (Nasik District) : Sir, I feel impelled to take part in this debate by the remarks that have fallen from the lips of the honourable member who has just sat down. He referred to Labour in Karachi. He said that Labour in Karachi was very much disorganised... (Mr. H. Dow : Unorganised)... unorganised, and he suggested from that the inference that because Labour in Karachi is unorganised and because owing to that circumstance Labour in Karachi may not be entitled or admitted to receive representation on the University, therefore Labour in Bombay, Labour in Ahmedabad and Labour in Sholapur should not be given representation on the Senate. That is the logic that the honourable member Mr. Dow commended to the acceptance of the honourable House. Well, the honourable House might have seen what logic there is in that argument. Because representation may not perhaps properly be given to Labour in Karachi, Labour in the other cities mentioned in the amendment should not be given representation. In other words, he wants to penalise Labour in Bombay, Labour in Ahmedabad and Labour in Sholapur, because the condition of Labour in Karachi is not satisfactory. I need hardly make any further comment upon this position in order to show how irrational and absurd it is.

Sir, I share the pain which has been expressed by my honourable friend to the right (Mr. B. V. Jadhav), as regards the somewhat—no, I should say not “somewhat” but “the extremely stolid”—indifference which many members of this honourable House are showing to Labour and the interests of Labour. Yesterday I listened to some portions of the speech made by the Honourable the Leader of the House when the principle of representation of Labour on the University was being considered in connection with another amendment. Well, one finds it difficult to get over one's psychology, one's habits, one's tendencies generated by one's environment. However pained I may be, I am not prepared to blame the capitalists for the stolid indifference which they are showing to Labour for their unsympathetic attitude towards Labour. But really I do not at all understand why there should be this serious objection to the representation of Labour on the University. Is the Thames going to be set on fire? Are the Mula and the Mutha going to be set on fire? Is the Back Bay going to be burned if Labour is given representation on the University? Why should honourable members be so much afraid of Labour? Is it a bugbear to them; is it a bogey to them; is it like a red rag to the bull to them? They seem to imagine that if they gave representation to Labour, Labour would in course of time become so powerful that it might lead to Bolshevism, and that these would-be Indian Bolsheviks

[Mr. R. G. Pradhan]

might follow the example of Russian Bolsheviks and put down and destroy all capital and capitalism. Unless that fear is lurking in their hearts it is extremely difficult to understand the hostile attitude of some honourable members. On the contrary, Sir, if these capitalists will only realise the beneficial effects of giving representation to Labour on such bodies, they will be the first to welcome this proposal, because as I conceive it, the result of this representation of Labour on the University and similar bodies would be that Labour would come to realise the importance of higher education. Let us imagine that some men belonging to the labouring classes, let us say Hari or Govind actually working in the factories of Bombay but having some knowledge of English and able to understand the debates in the Senate, are on the Senate; what will be the result of the presence of these men on the Senate? I am sure they will feel a sense of elevation; they will feel that their status is raised; they will be coming into contact with enlightened minds; they will realise that there is a body of enlightened and intelligent men in which they have a place; they will see with their own eyes and hear with their own ears, questions of vast importance in the educational field being discussed; and they will realise what position, what greatness, what eminence men can attain by virtue of education and by virtue of culture. And the result of all that will be this: they will in due time emulate the example of their educated countrymen; they will feel that they should give higher education, more and more education, to their children. The net result will be that if you have Labour representatives on the Senate it will raise their level until it approximates more and more to the level of the higher classes. The result is bound to be that all bitterness of feeling, all sense of warfare between one class and another, if it does not altogether disappear, will be minimized. Will not this be a good result and should not this House endeavour to bring about such a result? Why should Capital fight shy of giving representation to Labour on the University.

Mr. B. G. PAHALAJANI: What is the way?

Mr. R. G. PRADHAN: My honourable friend who seems to think that his duty is to indulge in interruptions, and who therefore may aptly be called the honourable member for interruption (laughter) says "what is the way." Well, he himself won't suggest anything; he won't speak, but he will disparage the ways suggested by others.

Why should there be this hostility to the representation of Labour on the Senate? I assure the House that nothing but good will follow from having three or four representatives of Labour on the University, and therefore I strongly appeal to the House that this representation should be given. If a particular mode is not proper or if a particular method is somewhat defective why should not my honourable friend, Mr. Pahalajani, put in his suggestions to improve them. Why, on the contrary he should simply try to pick holes in the amendment before us? That is not fair. If there is a defect in the method let the defect be removed, but I do not see any defect in the particular method proposed. There are organized labour unions in the City of Bombay. Are there not?



[Mr. R. G. Pradhan]

There are. What is wrong with this method? I am told that the labour unions in Bombay have become more and more articulate; that they are becoming stronger and stronger. Then, what is wrong with this method? There are labour unions at Sholapur. What is wrong with the labour union there? It is easy for my honourable friend Mr. Pahalajani to whisper "but methods." What is wrong with this method? If it is so, then why not get up and say that it is a wrong method because of these defects. But he won't make any suggestion; he will make no speech; he will go on whispering. I submit that these methods which are suggested by this amendment are perfectly sound and it will be beneficial to have the representatives of Labour on the University. With these words I support this amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): The Honourable the Leader of the House said yesterday.....

Rao Bahadur R. R. KALE: I rise to a point of order. My point is that the honourable member is referring to a debate which is already past and concluded. I am drawing attention to a ruling of the President on this point. It says:

"The Honourable the President: I have allowed one or two honourable members to refer to the speeches made at a debate the day before. It is irregular to refer to any speech in a concluded debate. I do not wish to enforce that very strictly but at the same time I hope honourable members will be good enough not to refer to speeches made in a debate that has already concluded."

The Honourable the PRESIDENT: I have drawn the attention of honourable members not to repeat arguments on questions which have been fully debated.

The Honourable Sir CHUNILAL MEHTA: May I rise to a point of order. I believe the honourable member has already spoken.

The Honourable the PRESIDENT: A point of order has been raised for the second time. I think it will not be giving the liberty of speech fully if I were to go on these narrow lines. What the honourable member who stood up last in connection with this amendment said was the addition of the word "registered" before the word "unions." He made no speech on the amendment at all. The view taken by the honourable the General Member as well as the Honourable Leader is that as soon as a member gets up and says a word or two, whatever that may be, in connection with an amendment or motion before the House he has lost the right of speech and so he cannot speak again on the amendment. I do not take that narrow view and I would therefore allow the honourable member to speak.

The Honourable Sir COWASJI JEHLANGIR: Did the honourable member move an amendment? He did move the amendment and you, Sir, actually put the amendment of the honourable member to the House and the House did not allow the mover to accept it. If it was a regular amendment I contend that the honourable member cannot speak again. The very fact that his amendment was placed before the House is clear proof that the honourable member did move an amendment and thus addressed the House.

The Honourable the PRESIDENT : I am afraid I cannot take that view. What the amendment proposed by him was, the addition of a word, and he did not speak on the amendment. I therefore give him the right to speak.

Mr. J. C. SWAMINARAYAN : The Honourable the Leader of the House said that he could not imagine that there would be any Chancellor who would omit the claims of Labour at the time of making nominations. We wish that the claims of Labour should not be recognised by nomination. All the labour unions of Bombay suggested the names of labour representatives for nomination to this Council but those names were set aside and convenient persons were nominated by Government. Therefore it is necessary that Labour should have regular elected representatives.

Mr. B. G. PAHALAJANI : I rise to a point of order, Sir. "Convenient names"—that is the language used by the honourable member against the present members nominated by Government. I think it is a slur on the present members who have been nominated.

The Honourable the PRESIDENT : Does the honourable member refer to the present members nominated ? Did he refer the words to the present members ?

Mr. J. C. SWAMINARAYAN : Yes, Sir.

The Honourable the PRESIDENT : Well, he should withdraw the words.

Mr. J. C. SWAMINARAYAN : I withdraw. Therefore, it is necessary that the Labour should get into the Senate through the door of election. Now they are going to nominate labour members under the power of nomination given to the Chancellor. But that is not the proper way to get Labour represented. Members who get into the Senate should preserve their independence and their independence can only be preserved if they come through the independent door of election. Therefore, the amendment is sound. It cannot be said that this is not a constructive suggestion for the election of Labour. These labour unions of Bombay and Ahmedabad are all registered bodies under the Trade Unions Act, and that would be the right thing for allowing Labour to get in. I shall not mind if this nomination is cut down from 40 to 30 even, but Labour should come through the front door of election. Therefore, I support the amendment.

Mr. R. S. ASVALE (Bombay City, North) : Sir I do not wish to take up much time of the House as the debate has taken such a long time, and from this it will be seen by the honourable members on both the sides how much importance has been given to this amendment. Now, some of my honourable friends here have suggested that the word "registered" is not before the word "unions." But I have spoken in the beginning when I moved this amendment that my intention is that the Government should give power only to those bodies which are registered, and there are at present registered unions in Bombay, in Ahmedabad and in Sholapur. I do not think there would be a single union which would not be registered under the Registration Act, and

[Mr. R. S. Asavale]

it is a right which has been given by Government now to all the unions. Government has framed certain rules and regulations for the registration of unions, and according to that, only those unions who follow those rules mentioned by the Government in the register book and when they will be accepted by the Unions, then only such Unions will have the right of registration. I do not see that there will be any fear. As I have stated before, Government are willing to give nomination to labour. Why should they not give actually the right of election, so that they should send the proper persons to the Senate of the University? They should not be afraid that, when there are so many members to be sent to the Senate, if only five people go there representing labour, the whole University will be thrown down by these people. Instead of that, it will be a great help to them to know the real position and the affair of the University.

The Honourable the PRESIDENT : That is repeating arguments now. Let us have some original arguments, new arguments.

Mr. R. S. ASAVAL : With these remarks, I would again request the Government benches to help this amendment and get it passed.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose this amendment. I do not wish to repeat the remarks which I made on a former occasion. However, I cannot help saying that the University principally concerns itself with higher education, and the manual labourer, as such, has hardly anything to do with a body like this. In this present House, which has been legislating for the whole of the presidency, there is no representative of labour through the door of election, because the labour has not been properly organised and Government have to nominate people in order to represent labour. And who are coming here? Does the manual labourer come here, or do people who pose as representatives of labour come here? Consequently, Sir, I submit that if at all their representatives could be brought on the University who take interest in labour, it could be only through the door of nomination. My honourable friend Mr. Swaminarayan referred to election and he said labour must come through the door of election. Now, I submit, and every one of us knows, and my honourable friend Mr. Swaminarayan and myself know, how precarious the door of election is. Consequently, I submit that for labour to enter the door of University through the door of election is absolutely impossible, and those alone would get into the door who are not factory labourers, who are not textile labourers, but people who pose as representatives of labour but who may or may not represent labour properly in the temple of learning. I, therefore, submit that this amendment should be rejected.

Question put. House divided. Ayes, 26; Noes, 53. Motion lost.

#### Division No. 7

#### Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb.	AMBEDKAR, Dr. B. R.
AHMAD, MOULVI RAFIUDDIN	ASAVAL, Mr. R. S.
	ATAVANE, Mr. A. M.

## Ayes—contd.

BECHAR, Mr. N. A.  
BHUTTO, Khan Bahadur S. N.  
BIJARANI, Khan Bahadur SHEER MUHAM-  
MAD KHAN.  
BOLE, Mr. S. K.  
DAWOODKHAN SHALEFHOY, Mr.  
HAJI Mir MAHOMED BALOOCH, Mr.  
ISRAN, Khan Saheb GHULAM MUHAMMAD  
ABDULLAH KHAN.  
JADHAV, Mr. B. V.  
JOSHI, Mr. S. C.  
KAMBLI, Rao Bahadur S. T.

KHUHRO, Mr. M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD.  
NAVLE, Mr. N. E.  
NOOR, MAHOMED, Mr.  
PATIL, Rao Saheb D. R.  
PRADHAN, Mr. R. G.  
SOLANKI, Dr. PURUSHOTTAMBAI G.  
SWAMINARAYAN, Mr. J. C.  
THAKOR of KIRWADA, the  
THORAT, Sardar S. B.  
VANDEKAR, Rao Saheb R. V.

*Tellers for the Ayes :* Mr. R. S. ASAVALE AND RAO SAHEB R. V. VANDEKAR.

## Noes

AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
BALAK RAM, Mr.  
BHOSLE, Mr. M. G.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DABHOLKAR, Sir VASANTRAO.  
DASTUR, Khan Bahadur F. M.  
DESAI, the Honourable Dewan Bahadur  
HARIAL D.  
DESAI, Mr. J. B.  
DESPANDY, Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
DUGUID, Mr. A.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir.  
GUNJAL, Mr. N. R.  
HAMILL, Mr. H.  
HATCH, Mr. G. W.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI.  
JOG, Mr. V. N.  
KALE, Rao Bahadur R. R.

KARKI, Mr. M. D.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MEHTA, the Honourable Sir CHUNILAL  
MONTTATH, Mr. J.  
MUKADAM, Mr. W. S.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
NANAL, Mr. B. R.  
OLIVEIRA, Mr. F.  
OWIN, Mr. A. C.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
PETCH, Mr. F. W.  
PETIT, Mr. J. B.  
PRADHAN, the Honourable Mr. G. B.  
RAJMAL LAKHICHAND, Mr.  
RIEU, the Honourable Mr. J. L.  
SHETH, Mr. A. D.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SURVE, Mr. V. A.  
THORNBFR, Mr. J. P.  
TURNER, Mr. C. W. A.  
WEBB, Mr. M.  
WINTERBOTHAM, Mr. G. L.

*Tellers for the Noes :* Mr. B. G. PAHALAJANI AND RAO BAHADUR R. R. KALE.

The Honourable the PRESIDENT : The next amendment is the one which stands in the name of the honourable member Rao Saheb D. R. Patil. But before he moves that, I should like to inform the House, to avoid confusion, that instead of the honourable members getting up and proposing the alteration or suggestion of a word here and there in an amendment which is proposed and sitting down, they would be better advised to speak on the amendment and, towards the conclusion of that speech, they might suggest whatever amendments they wish to propose so that the question of having spoken once or twice would not arise at all, and if it is done now after having given this instruction, I would have to stop the speaker.

Rao Saheb D. R. PATIL (East Khandesh District) : I move the amendment which stands in my name as follows :—

Clause .3. (f) .it the word "city" in (f) of IV in (A) of II Ordinary.  
 Omit the word "city" in (g) of IV in (A) of II Ordinary.  
 Omit the word "city" in (h) of IV in (A) of II Ordinary.  
 Omit the word "city" in (i) of IV in (A) of II Ordinary.  
 Omit the word "city" in (j) of IV in (A) of II Ordinary.

Mr. President, my object in moving this amendment is that when we want to really democratise the university and thereby widen the franchise given to the city municipalities of various divisions, why should we give this right of franchise only to city municipalities ? You will note that there is only one seat given for city municipalities in each of the various groups of the Presidency, namely, the Deccan group, the Karnatak group and so on. To my mind, Sir, the representation that is given is not adequate. Of course some other honourable member may be pleased to move an amendment that instead of one seat two seats should be given, but so far as my present amendment goes, I do not quarrel over the one seat that is allotted to the city municipalities of each of the various groups. My only grievance is why should you not give this right of representation to all the municipalities in the various divisions of the Presidency ? Why do you limit that only to city municipalities ? The Honourable the Leader of the House observed some time ago that in the case of labour there is not proper organisation and therefore there would be difficulty of election. But here there is not the least difficulty in that direction because we have got so many municipalities in each division of the presidency, so as to form easy constituencies. So there will be no difficulty about election. Again I do not say that you should increase the number of seats from one to more than one. Under these circumstances, I do not think there will be any objection on the part of the Government to accept my amendment. I do not want to increase the number of seats. I simply say, give this right of representation not only to city municipalities but to all the municipalities. That is my amendment, and I hope it will be accepted by the House.

Mr. N. E. NAVLE (Ahmednagar District) : Sir, I rise to support the amendment moved by my honourable friend Rao Saheb Patil. The amendment only seeks to redress a very legitimate and just grievance on the part of the municipalities. Sir, I do not see any special reason why municipalities other than city municipalities should have been denied the right of choosing their own representatives on the Senate. As a matter of fact, those who know the affairs of these municipalities and local bodies know very well how affairs of these municipalities are carried on. Practically, the masses have very little touch with the city municipalities. The cities are dominated by the upper classes, the higher classes, and the masses in the districts have very little touch with the city municipalities. If you are going to shut up the masses from representation on the University, then I for myself will be the first to say that all the affairs of the University will be controlled by the upper classes, and the masses will be shut out. Sir, I should like to place before the House the fact that every attempt is being made to give representation to the upper classes in every conceivable way. All the principals are

[Mr. N. E. Navle]

from the upper classes and the teachers are from the upper classes. The city municipalities are also practically in the hands of the upper classes. You are going to give representation to the upper classes by ten different ways, and you are going to shut out from the University the labouring and backward classes and the masses. Why not include all the municipalities? Why not widen the electorate? There is no harm in it. They will choose their own men, and if you want a real representative of the municipalities, there is no harm if you include all the municipalities. Why only the cities, and why not the other important towns in the district. There are various municipalities whose good work is on record, and I do not see any reason why they should be excluded from the electorate of municipalities. I therefore strongly support the amendment that is before the House, and I hope the House and especially Government will accept it.

Mr. B. V. JADHAV : May I request the Government benches to lay bare their policy?

The Honourable the PRESIDENT : The request is made and it is for the Honourable Members on the Government benches to take the opportunity and make a statement. Yesterday, the Honourable the Leader of the House had the opportunity, or rather, took the opportunity a little too late, and if an opportunity is now taken in time and the House is informed, it would certainly be welcomed. That is all that I can say; I cannot of course compel Government members to do so.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, since you desire it, with a view that the discussion may be curtailed, I have no objection to get up now, but I have no hopes that it will be. However, I will place my views before the House. This question was considered just at the time of the drafting of the bill as well as, so far as I remember, in the select committee. The view, to which I adhere, is that as in the University the higher intelligentsia should be represented, and as in the case of the local boards, only the district local board has been given representation and not the taluka local boards; in the same way, the city municipalities as representing the intelligentsia have been given this representation and the smaller town municipalities have been left out. I submit, Sir, that in the earlier stages of constituting the Senate on an elective basis, it would not be right to make difficult the election of the right type of man to come to the University. I therefore want to stick to the draft as it has emanated from the select committee.

Mr. R. G. PRADHAN (Nasik District) : Sir, I support the amendment. The Honourable Minister opposed this amendment on the ground that representation on the University is intended for what he called the higher intelligentsia. I confess, Sir, I do not quite understand this expression "higher intelligentsia." What does the Honourable Minister mean by the expression "higher intelligentsia." Is there a higher and lower intelligentsia? Well, if there is any such difference, I confess I do not know it. Does he mean by that expression that only M.As., or B.A., LL.Bs., or M.A., LL.Bs., or B.A., B.Sc., or men with two or three or

[Mr. R. G. Pradhan]

four degrees are to be represented ? Are only such people to be represented on the University ? Does he mean that ? I am aware of the expression "intelligentsia," and I know that intelligentsia means cultured men, educated men, but I do not quite understand what he means by higher intelligentsia. If he has got some mysterious meaning, or he wants to attach some obscurantist meaning to that expression, I hope he will, when he gets up to reply, make clear what he means by that expression. But, Sir, probably it is a tautological expression that he has used, and all that he means is the intelligentsia, educated people, cultured people, should be represented on the University. That is probably what he means. Well, I have reason to expect some measure of consistency on the part of every man, much more so on the part of an Honourable Minister. I have not forgotten the dictum to which expression was given by his honourable colleague some time ago and the homily which he preached on the point. I do maintain that some measure of consistency must be shown by men who happen to occupy responsible positions, and that some measure of consistency must be embodied in legislation which is placed before the House for acceptance. I find, Sir, that the district local boards are given representation. Are the members of the district local boards synonymous with intelligentsia. (Interruption.) Again my honourable friend the member for interruption. interrupts me and says "something better." It has become a positive nuisance to sit near him.

The Honourable Dewan Bahadur HARILAL D. DESAI : Come on this side.

Mr. R. G. PRADHAN : Well, Sir, representation is given to the district local boards. How many members of a district local board do really belong to the class called the intelligentsia ?

An Honourable MEMBER : A lot of them.

Mr. R. G. PRADHAN : I challenge it.

An Honourable MEMBER : You do not know.

Mr. R. G. PRADHAN : I know. I know as much as my honourable friend does, if not more. I have seen many more winters than he has done. I have seen the working of as many district local boards as he has, and I know. Well, only a few members of district local boards can be called the intelligentsia, meaning thereby the educated and the cultured class. The majority of them, particularly as a result of the new Local Boards Act and the democratisation, the liberalisation of Local Self-government that has been brought about by that Act, mainly due to the sympathy for the masses which the Honourable Minister for Local Self-government has uniformly displayed, cannot certainly be called as belonging to this class of intelligentsia. Here then there is an electorate proposed in the bill which must not be established, if what the Honourable Minister says is true. Again representation is given to the Indian Merchants Chamber, Chamber of Commerce and Millowners' Association. They are all respectable people; no doubt. They are influential, they are rich and certainly deserve to be on the

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Senate of the University. Much more so because the Honourable Minister has told us that he wants to interest them in the affairs of the University and get a lot of money out of them. I know what shrewd men of business the capitalists are. I do not think that my honourable friend Mr. Petit is likely to succumb to such temptations that are placed before him by this bill. They are shrewd men and because they are given representation they are not likely to be overgenerous with their money. It is but right that they should be given representation—they are all respectable people. But it would be stretching the meaning of the word *intelligentsia*, to classify all these people as *intelligentsia*. What I submit is this. This is not a principle which has been uniformly adopted in the bill. Taking that this is the principle adopted still I ask why certain people have been debarred from representation on the Senate? Look at the anomaly, the absurd position, with regard to the municipal electorate as it stands in the bill. Members of the city municipalities are given representation. The municipality of Phandharpur and the municipality of Bhusawal are city municipalities. Members of these municipalities will have representation on the Senate simply because they are called city municipalities. I think the municipalities of Chalisgaon, Sinnar or Malegaon are not yet city municipalities. I believe I am not mistaken and if I am mistaken I am open to correction by the Honourable Minister for Local Self-Government. I put it plainly; what is the difference between the Bhusawal municipality and the Malegaon municipality in the matter of public spirit and intelligence. With due respect to any member from the Bhusawal municipality if he happen to be here I ask what difference there is between the two municipalities. What difference is there between the members of the Sinnar municipality and Pandharpur municipality in the matter of exercising this franchise. The differentiation between a district municipality and a city municipality in the matter of local self-government is alright. But why should representation on the Senate be given to members of the Pandharpur municipality and the Bhusawal municipality and denied to members of the Sinnar municipality and the Malegaon municipality. As a matter of fact there is no difference between the members of these municipalities—the city municipalities and town municipalities—as regards fitness to exercise the right given in this bill. If members of city municipalities are going to have representation it is but fair and equitable that members of town municipalities also should have it. It seems to me that this amendment is fair and should be accepted.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I support the amendment. Here the bill is based on the principle of differentiation, on the principle of supporting the strong and putting down the weak. The claims of the weak are thrown out and the claims of the strong are considered. In the case of municipalities, city municipalities are given representation and town municipalities have been left out. I do not know why such differentiation should be made. It is not proposed to increase the number of elected seats. The number of elected seats is going to remain the same. But in fairness and justice all the municipalities must be given an equal chance. If the word "city" is dropped then there is



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no difficulty. One omission has occurred in the printed report of the select committee. In the typewritten report that was given to us for signature, on page 2 of the report of the select committee it was pointed out that the members elected by municipalities need not necessarily be from among themselves. In the printed report these words have been omitted.

The Honourable Dewan Bahadur HARILAL D. DESAI : Does the honourable member say that these words are omitted in the printed report ?

Mr. J. C. SWAMINARAYAN : They are in the printed report but they are not embodied in the clause. It was decided in the select committee that the members elected by the district local boards and city municipalities need not necessarily be from among themselves. This is the special reason why these words were put in the select committee report. But unfortunately at the time of printing the amended bill these words have been omitted through oversight.

Mr. N. E. NAVLE : I rise to a point of order. The bill as it is before the House, is it not a true report of the select committee ? The honourable member says that some words have been omitted.

The Honourable the PRESIDENT : It has yet to be ascertained.

Mr. J. C. SWAMINARAYAN : It was in the report that the representatives of the municipalities and local boards need not be from among themselves.

The Honourable the PRESIDENT : Which words have been omitted ?

Mr. J. C. SWAMINARAYAN : " Not necessarily from among themselves. " These words " not necessarily from among themselves " were added in the select committee. They have been omitted.

The Honourable the PRESIDENT : Now, what is the definite statement that the honourable member wishes to make with reference to this ?

Mr. J. C. SWAMINARAYAN : I want to make a definite statement that it was put before the select committee and passed, that the members elected by the municipalities and local boards need not necessarily be from among themselves. If that had not been so, those words would not have formed a part of the report. It was passed, and that is why it finds a place at the end of sub-section (h) of paragraph 11 of the report of the select committee. I definitely state that that matter was put before the select committee and it was passed by the select committee. By some oversight these words have not been put in the bill as it appears in the printed form.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, may I correct my honourable friend ? The statement he makes is not correct in the sense in which he makes it. He said that something was moved and carried, and yet it was left out. Now, the matter was talked over, but no one moved any amendment. You will see, Sir, the words in the

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report are : "The members elected by the municipalities and local boards need not, *in our opinion*, necessarily be from among themselves." If the amendment had been moved, these words "in our opinion" would not have been there. Consequently only the opinion was expressed there but no amendment was moved. That is the position.

MOULVI RAFIUDDIN AHMAD : Mr. President, I strongly protest against the statement made by the Honourable Minister, because I was a member of the select committee.....

The Honourable the PRESIDENT : The question is whether that amendment was moved and passed and accepted by the select committee ; that is all, no speech please.

MOULVI RAFIUDDIN AHMAD : It was moved and it was passed, and therefore it is said "in our opinion." "In our opinion" does not mean in our private opinion.

The Honourable the PRESIDENT : Will the honourable member resume his seat ? I am given to understand from the proceedings recorded by the Secretary that where it was actually the intention of the select committee that the election should be by the members from among themselves, the words "from among themselves" are used in the bill, -this will be seen from clause 13, II—Ordinary (A) (i), (ii) and (iii), - and where it was the intention that the election need not necessarily be among themselves, those words "from among themselves" are omitted in the bill, as in this particular case of the municipalities. Therefore paragraph 11 (h) of the report is satisfied.

Mr. NOOR MAHOMED : In connection with this point of order, I would draw your attention, Sir, to a statement which was made yesterday by the Honourable the Minister of Education. I think he made that statement by mistake. He stated that the local boards, municipalities and other public bodies were to elect representatives from among themselves. When he made that statement the honourable member Rao Bahadur Kale and myself got up to correct him, but before we could do so you adjourned the House and therefore we were not able to make that correction.

The Honourable Dewan Bahadur HARILAL D. DESAI : I did make that statement, and I was under that impression.

The Honourable the PRESIDENT : I hope the honourable member Mr. Swaminarayan understands the situation now.

Mr. J. C. SWAMINARAYAN : Sir, if the omission of the words "not necessarily from among themselves" is to be construed that the city municipalities and local boards can elect members not belonging to those bodies, then the argument of the over-intelligence of city municipalities that was urged by the Honourable Minister does not hold good. Just as in the case of school boards persons who are experts in education but not members of local bodies are being elected, similarly here also the members that are to be elected by the municipalities may be from outside. If there is a competent man in the municipality they will elect

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him ; otherwise, they will elect anybody else. Therefore, the argument that the smaller municipalities will not be able to elect proper representatives is not tenable. Therefore the word "city" should be omitted.

*After Recess.*

Rao Bahadur R. R. KALE (Satara District) : Mr. President, I had no intention of taking part in this debate, but I think it is necessary to say a few words. There seems to be some misapprehension about the franchise which has been extended to the various bodies. Originally representation was confined to educationists. Now a further improvement was made so as to admit other people, that is, persons who do not belong to the education department itself. That being so in merely admitting the city municipality and district boards, the principle seems to have been that naturally in a city municipality there might be people who have received a certain amount of education or at any rate who have received education more than you find in small municipalities. For instance there is a municipality of Ashta in my district. I put it to the House whether there can be any person in that municipality who may be regarded as an educationist or who have received some kind of education. We must have the line drawn somewhere. Even in a city municipality you cannot say definitely that there will be educationists on the municipality. But the line must be drawn somewhere and therefore it is expected that in the city municipality there will be educationists and hence that principle seems to have been adopted. The whole question arises from the fact that here although franchise is widened the basis of the franchise is that the persons exercising that franchise are supposed to have some educational qualifications. Originally under the law as it stood it will be seen that registered graduates and other persons who were solely professional in the matter of education had the franchise. Now the franchise has been extended so that even other persons not belonging to the educational department are admitted and at the same time care is taken to see that the voters who constitute the electorate will be persons who may be regarded as possessing some educational qualifications. There is no question of the candidate at all. That point also was raised whether it is necessary to lay down any qualifications. It was felt that the person who would be sent up by the municipality in a division would be selected on account of his educational qualifications. It is from this point of view that small municipalities have been excluded. Again, Sir, there are about 119 town municipalities, I understand, in the Presidency, and city municipalities number about 25 to 30. Now if the electorate is widened the whole electorate will consist of 150 or more municipalities divided into 5 divisions. Now, it is for us to consider whether this electorate should be widened or whether with our experience of expenditure and trouble involved in an election, it will be easy for a candidate to approach such a large electorate which would consist of large and small municipalities. The question is whether we should not confine ourselves to this compact area. From that point of view it seems

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to me that the franchise has been widened for the present to certain municipalities. In course of time it may be possible to extend the franchise to smaller municipalities. I understood from the Honourable Minister that the policy underlying the bill was to extend the franchise, but not too much at once, and that was the reason why when we were considering the question of labour electorate, that objection was taken. I submit, therefore, that clause 13 is really based upon a principle which underlies the bill.

Then, I come to the point whether it is necessary that there should be this clause "from among themselves" or not from among themselves. With your permission, Sir, I would refer to what happened in the select committee, because the matter has been brought out here as a discrepancy. The honourable member Mr. Swaminarayan attempted to say that there is some divergence or discrepancy.

The Honourable the PRESIDENT : That has been set right and the honourable member has accepted the situation.

Rao Bahadur R. R. KALE : I know. But how the misapprehension has arisen, I may just mention with your permission. I mean why this apprehension arises quite honestly.

The Honourable the PRESIDENT : If the honourable member refers to the point that the election need not be from among themselves, that has been set right. I do not think any reference need be made to that again.

Rao Bahadur R. R. KALE : Sir, I mean to say, in order to put the whole House in possession of what occurred in the select committee.....

The Honourable the PRESIDENT : I do not think the House is curious to know that.

Rao Bahadur R. R. KALE : Very well, Sir. I just wanted to mention it because it seemed to me that again members might labour under a misapprehension ; otherwise I had no mind to take up the time of the Council. But the clause itself means exactly what it says, because, so far as the local boards and municipalities are concerned, the candidate who is to be sent out need not be a member of those bodies. Wherever it is said that he must be from among themselves, the candidate must belong to one of the electorate. Here, it need not be so, and that, I think, is perfectly clear if you read the several clauses that appear there. So, with these few remarks, I would certainly leave the clause as it is.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, the explanation that has been given by the Honourable the Minister of Education with regard to the present clause that preference was sought to be given only to the intelligentsia so far as the University was concerned and that therefore town municipalities are excluded is not satisfactory, and I take exception to that argument and explanation.....

The Honourable the PRESIDENT : Will the honourable member speak up ? I can't hear him.

Mr. H. V. PATASKAR : I take exception to that statement on the ground that I do not believe that the city municipalities have a better intelligentsia than what we find in the town municipalities, because the municipalities are so constituted that it is not a body where only intelligent people go. On the contrary, the majority of people that go there go on an altogether different basis. Intelligence is not a criterion which determines their election to the municipalities. Similar is the case with regard to local boards, because I do not for a moment admit that the members on the district local boards can at all be said to be people belonging to higher intelligentsia than the people who are elected to the town municipalities. Similarly, another argument that was advanced was that just as taluka local boards are excluded from the bill, the town municipalities, are also excluded and because District Local Boards are given the franchise the city municipalities are also given the same and it is on that ground that the provision is made in the way it is. As a matter of fact, taluka local boards are to a certain extent subordinate bodies to the district local boards. But in no case is a taluka or town municipality a subordinate body to the city municipality. It is altogether an independent body. But, Sir, as I said at the time of the first reading of the bill, I take exception to the representation of either the municipalities or the district local boards, because the University is not a body on which representation need be given to these bodies. The local boards and municipalities are not concerned with higher education or with the various questions which will crop up in the University ; they are only concerned with primary education. With these remarks, I resume my seat.

Mr. B. V. JADHAV (Satara District) : Sir, one of the great men once said, " Save me from my friends," and I think I read that sentiment in the face of the Honourable Minister when my honourable colleague from Satara (Rao Bahadur Kale) was on his legs. The argument which my honourable friend from Satara advanced in support of the attitude which I think the Honourable Minister has taken on this question has been sufficiently answered by the honourable member who spoke last, and I need not refer to it. But I have to point out one thing, Sir, that the mentality of the Honourable Minister for Education is exactly the same as was the mentality of the late Mr. Tilak when he addressed a political meeting at Athni. It was before the Reforms Act came into force. And he said : " What have the petty merchants and what have the agriculturists to do in the Council ? Are they to plough in the Council, or are they to hold the balance in their hands ? " Well, that is the attitude, I think, which the Honourable Minister has taken on this question of labour representation. But unfortunately for such persons, I shall say that the agriculturists have actually come into this Council and they are, I think, working the plough. The seed has not yet been sown, but I trust that it will be sown before long and there will be a good harvest. And, at the same time, the *tagdiwalla*, the man with the balance, too, has come into this Council and he also expresses his point of view, and many a time he is heard with respect. So, I think I may assure the Honourable Minister for Education that the voice of the labourer, as

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well as that of the agriculturist, and that of the petty trader, will be heard even in the hall of the University. He has knowingly or unknowingly made room for these men. He has given representation to the district local boards and, as everybody knows, the district local boards are now constituted of men who have interests in land and who are actually tilling the soil. They have got the vote and they have the right to send their representatives to the district local boards, and in the city municipalities even the labourers who live in a hired room for which a rupee per month is charged as rent have got a vote, and, as everybody knows, in this way a large number of voters have to elect the few councillors to the city municipality. But I want to place before this House, Sir, a glaring injustice that has crept in. The population of the presidency is divided for the purposes of this Act into five divisions,—the linguistic divisions or educational divisions as they are called. These divisions, again, Sir, are divided into certain jurisdictions, the district local boards and municipalities. For the purpose of election to district local boards the municipal areas are excluded. The persons living within the municipal areas are not represented upon the district local boards and municipalities have representation of their own. As a matter of fact, under the present bill the inhabitants of district local board areas will be represented in the university, so also the inhabitants of city municipalities, but the inhabitants of town municipalities will not be represented on the university at all. They are penalised and I think that that was due to an oversight on the part of the select committee. I do not think that that question was raised and decided. It was through an oversight that this omission was made and the omission has been brought to the notice of this House by an honourable member of a city municipality, who is generous enough to extend the privilege to his less fortunate brethren. So I claim that justice should be done to the town municipalities. In the case of city municipalities, I shall say that as their number is very small in each division, the number of voters will be very small. Thus it will be a very small constituency—in fact it will form a pocket borough and under democratic ideas a pocket borough should not be encouraged. For instance in the Konkan Division consisting of the districts of Nasik, Thana, Kolaba and Ratnagiri, the number of city municipalities will not be more than three, so that they get the right to elect a member. It is a pocket borough and so I think it should not be encouraged. It will be worse than a rotten borough. In the Central Division there will be hardly half a dozen city municipalities and they will enjoy the right of electing one member. It is again a pocket borough and only six voters will have to vote for one seat. That is not a very sound position. The town municipalities which have been left out altogether should also be included and should be given a vote so that the constituency will be widened a little and democratised to a certain extent. This is a demand which deserves careful consideration at the hands of this House and at the hands of the Honourable the Minister.

I need not take much time of this House. I pity the mentality of some of the honourable members who do not want to extend the

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franchise to district local boards and municipalities at all, but I think the representation of district local boards has been left unchallenged and therefore it will pass into law. While the question of the representation of city municipalities is before this Council, I urge, Sir, the necessity of widening this franchise and abolishing the pocket borough system which is now being foisted on this Council in this clause. I think it will be better for all if the constituency is widened and if the right of electing a Fellow is given to the town municipalities as well.

Mr. S. K. BOLE : I rise to support the amendment moved by my honourable friend Rao Saheb D. R. Patil. Sir, the object of giving representation to city municipalities is to give the privilege of representation to the intelligentsia, but, Sir, I see that an amendment is to be moved for asking some statutory grant to finance the affairs of the university. Sir, may I ask whether that amount of grant is to be collected only from the intelligentsia or is it to be collected from the common coffers of Government ? If it is to be collected only from the intelligentsia, then I have nothing to say, but if it is to be taken from the common coffers of Government, then I think there is no ground to give a different treatment to town municipalities as distinguished from city municipalities. There should be no taxation without representation and therefore the town municipalities are equally entitled to enjoy the right of representation on the university. I therefore hope that the Honourable Minister will see his way to accept the amendment as proposed.

Rao Saheb D. R. PATIL (East Khandesh District) : Sir, I am glad to find that my honourable friend from East Khandesh, Mr. Pataskar, contradicted the Honourable the Education Minister and the honourable member Rao Bahadur Kale as regards their statements that intelligent persons cannot be found in the taluka towns, but unfortunately, the latter portion of the speech of my honourable friend Mr. Pataskar was not encouraging. He had no courage to say whether he wanted to support or oppose the amendment, and he did not go beyond making some remarks, and he concluded his speech after passing certain remarks here and there. In his speech he referred to the incompetency of the members of district local boards and for that reason he said he was opposed to granting the right of franchise even to district local boards. Unfortunately for him, however, he has had no experience of district local boards and therefore I think he is not the best authority. So far so good. Mr. President, I do not understand the mentality of those persons who are willing to give the right of franchise to city municipalities but not to town municipalities. Does the Honourable the Minister of Education want to say that there are not intelligent men in the talukas ? In almost all the talukas we find pleaders belonging to all classes, especially the higher classes. Take the case of the Chalisgaon municipality. Perhaps our worthy Mr. Pataskar may stand as a candidate and get himself elected. Where is the difficulty of getting intelligent persons ? I do not see it myself. Do we not find intelligent people in places like talukas ? I say there are so many intelligent and educated people, some of whom have received college education and who can be proper persons

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to go to the university. Under those circumstances, I do not see the least reasonable ground to say that we shall not find intelligent people even in talukas. Of course, it has been made sufficiently clear in the bill that any outsider can stand as a candidate. The voters will see for themselves as to what candidate they should choose. My honourable friend Rao Bahadur Kale asked, what is the position of the voters? Well, I ask him the question, what is the position of the voters who elected him to the Legislative Council?

Rao Bahadur R. R. KALE : The Council is quite different from the University Senate.

Rao Saheb D. R. PATIL : Yes. The Council is different from the Senate. All right. But as I have already stated, there are competent people, intelligent people even in talukas. If that is so, what argument has the honourable member got to advance against the amendment? I think he has no argument against it. He wants to do it simply because he wants to confine the right of sending a representative to the Senate to the city municipalities alone. That means giving a right to pocket boroughs, as rightly observed by my honourable friend Mr. Jadhav.

I think the amendment itself is very reasonable. But there is one difficulty in its success, namely, the obstinacy on the part of the Honourable the Minister of Education. He does not want to move an inch here or there. He means to say "No, no; the bill must be passed as it is sent from the select committee." All right, Sir, if he is firm as a rock, I cannot help it. But I would appeal to his conscience. Let him think over it himself and come to the right conclusion. If he does not want to give up his obstinacy, let him stick to it, but I hope, in the interest of the wider franchise given in this bill, he will be moved with compassion, and will change his mind and come to the right conclusion that the amendment should be accepted.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, there is no question of compassion in a matter of this kind; it is not on the ground of compassion that the franchise is given but on the ground of qualifications. Honourable members know that we have got on the statute book the District Municipal Act for the smaller municipalities, and my honourable colleague, two years ago, has given to the city municipalities another Act with larger privileges to people who pay less taxes than those that are paid in the smaller towns. If it were a question of adult suffrage, it was quite a different matter, but wherever there are organisations or corporations of this sort, the franchise is graded according to the work to be done in the association by the members who are returned there. Consequently, I submit that there is nothing of the idea of a pocket borough in limiting the franchise to city municipalities and district local boards. The policy of the bill is to give representation to the various interests as far as possible, through well organised corporations or authorities.

Mr. B. V. JADHAV : Are not town municipalities well organised?



The Honourable Dewan Bahadur HARILAL D. DESAI : I do not wish to be interrupted. So, the pocket borough idea which was put forward by the honourable member Mr. Jadhav is not a correct one.

Mr. B. V. JADHAV : It is a rotten borough.

The Honourable Dewan Bahadur HARILAL D. DESAI : It was urged by one of the honourable members representing Labour that every one pays taxes, and consequently there was no reason why he should not have a vote. We have not come to that stage, neither for the municipalities, nor for the taluka local boards, nor for the district local boards, nor even for the Legislative Council. Under these circumstances, we have to grade the franchise according to the culture that we find with reference to the University in all areas.

I was rather surprised at the honourable member from Nasik (Mr. R. G. Pradhan), who has been returned here by the votes of a rural constituency running down his voters by saying that they know nothing, or they are less cultured.

Mr. R. G. PRADHAN : I never said they know nothing. I have never run down my constituency ; the honourable member is misrepresenting me.

The Honourable Dewan Bahadur HARILAL D. DESAI : If that was not the meaning of what he said, then there was no meaning in it. He said that there is less culture in rural areas than in urban areas. I say that for the rural areas the best culture could be found in the district local boards, and for the urban areas the best culture could be found in the city municipalities, and there is no idea of pocket boroughs in this arrangement. I therefore respectfully submit that the honourable House will turn down the amendment.

The question was put to the House. The President declared that the amendment was lost.

Rao Saheb D. R. PATIL : I claim a division, Sir.

The Honourable the PRESIDENT : I think these divisions to record votes by names have been too frequent, without much effect. I shall now resort to the method of asking honourable members to stand up in their places and record the number only.

Rao Saheb D. R. PATIL : The only point is that the names ought to be recorded.

The Honourable the PRESIDENT : I have heard the point that certain honourable members want the names to be recorded. That has been done in many instances to-day, and may be done later on too, because the greater portion of the bill is still before the House.

Those in favour of the amendment will please stand up in their places. (After a count). Twenty-four members have voted for it.

Those against the amendment will now please stand up in their places. (After a count). Fifty-eight have voted against the amendment.

The amendment is lost.

Rao Saheb D. R. PATIL : The other portion of the amendment remains to be moved.

The Honourable the PRESIDENT : Not here : later on.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, after what the Secretary has just shown, it is abundantly clear what the decision of the select committee with regard to sub-clauses (f) to (o) was. The Honourable Minister made yesterday a statement, under a misapprehension, to the effect that these local bodies were to elect only a member from among themselves. I think now he agrees that the local bodies are free to elect any representative they choose either from among themselves or from outside anybody to represent them on the Senate. If you still consider that the point is doubtful please allow me to move the amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, in clause 13, II Ordinary, you find the words "from among themselves" are used where they are meant to be so. As regards university teachers the election is from among themselves; as regards head masters it is from among themselves. With regard to public associations and bodies these words are not used and so they do not apply to them. Therefore I think there is no necessity to move this amendment. What my honourable friend says is correct.

The Honourable the PRESIDENT : It has been explained in the House in connection with the question raised by the honourable member Mr. Swaminarayan, by me, and the same thing has been repeated by the Honourable Minister now. That is recorded in the proceedings. It is, however, certain that it is not a part of the bill. I am not sure whether it is quite necessary to move the amendment. Still I allow the honourable member to move it.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I move :

"In clause 13, II A after the sub-clause (o) add the following explanation as explanation No. 2:

"The city municipalities and district local boards mentioned in sub-clauses 5 (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o) are free to elect a person, who need not be a member of the city municipality or a district local board, to represent them on the senate."

If the Honourable the Minister of Education goes down to sub-clause (v) he will find that registered graduates are to elect 25 senators; and according to his interpretation they are free to elect anybody they choose. The graduates may do so. I have no objection to it. But I want it to be made absolutely clear that the municipalities and district boards are free to elect anybody they choose. I think it is a desirable amendment. By the addition of this explanation it will be clear that the district boards and municipalities will be free to elect anybody they choose to represent them on the senate; and he need not be a member of those bodies. That is the object of my amendment and as desired by the select committee Government are bound to accept it.

The Honourable Dewan Bahadur HARILAL D. DESAI : I am prepared to accept the amendment.

Question put and carried.

Mr. B. V. JADHAV (Satara District) : Sir, I move :

"In clause 13 (1) II (A) (v) add the following words at the end of the sub-clause : 'formed into five divisional constituencies.'"

[Mr. B. V. Jadhav]

The registered graduates constituency is to elect 25 members. As the graduates are scattered over the whole of the presidency in all the five divisions, it will be unmanageable. The members that will stand for election will not be very intimately known to most of the graduate voters. For instance a candidate from Sind is not likely to be known to the voters in the Karnatak or Maharashtra. I therefore propose for the convenience of the electors that the constituency should be divided into five divisions and seats should be apportioned among them in proportion to the number of graduate electors in each division. The constituency will be a compact one and at the same time the candidates will be known to the respective voters, so that there will be a better election and easier election. In university elections cumulative voting is not allowed and if 25 candidates are scattered all over the presidency it will not be very convenient to anybody. Therefore I propose that this amendment should be accepted, and the number of registered graduates should be divided into five constituencies according to the educational divisions which are recognised. The seats should be apportioned in proportion to the number of registered graduates in each division. I do not want that five seats should be allotted to each division, because in certain divisions it will be found that the number of registered graduates is much larger than in other divisions. Therefore I say that the seats should be divided in the proportion of the number of registered graduates in each division.

Question proposed.

Mr. R. S. ASAVLE (Bombay City, North) : Mr. President. I rise to support the amendment moved by the honourable member Mr. Jadhav. He has already explained why this division of the electorate should be made. We have decided just now that in the case of the city municipalities there should be a territorial division and 4 divisions have been made for this purpose, and therefore there is no harm in giving representation by divisions to registered graduates. There is no question here as to whom representation should be given; only registered graduates in each division will be given the right of voting. As has been pointed out by the honourable mover of the amendment, in one division there may be a larger number of registered graduates than in another; and if so representation may be given to those divisions according to the number of registered graduates in the divisions. The point is that every group must get representation on some principle or other. I presume therefore that this must be the reason as to why this amendment has been brought before this honourable House. I hope Government benches will accept the amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, at an early stage, I wish to express my view. I am not going to accept this amendment, because when a constituency like the registered graduates has to return representatives to the University, the graduates returned to the University should be men of presidency reputation and should not be frogs in a well, that is, they should not be men of only parochial reputation; they must have a reputation for learning, educational status and

[Dewan Bahadur Harilal D. Desai]

all that extending over a great part of the presidency, and they must possess a name for their interest in education. Therefore I am sorry I cannot accept the amendment.

Mr. H. HAMILL : Sir, I wish also to oppose the amendment or rather to suggest that instead of dividing this electorate into provincial divisions, we should divide it into faculty divisions. What the University requires is to see that there is a sufficient number of members whom the Syndicate can assign to faculties. If some amendment be made by which that will be secured in this sub-clause, I think it will be a good thing. Five for example, should represent the faculty of arts ; five science ; five medicine ; five engineering ; five law. Otherwise, I am afraid that the twenty-five elected by the registered graduates will one and all be lawyers, and much as I respect lawyers, I think we will have too many of them on the University.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I agree with the Honourable Minister for Education that it is necessary that the representatives of the registered graduates should be men elected by graduates from all over the presidency, but I wish to remind the honourable member the ex-Minister of Education that an attempt has been made in the bill whereby has been given to each province an opportunity to return its own graduates. I refer to clause 48, which reads :

"Every election to any authority of the University under this Act shall be made according to the system of proportional representation by means of the single transferable vote in such manner as may be prescribed by Statutes."

His arguments therefore to allocate to each division a number of the graduates are of little value. I may point out to him that his object will be gained by the system of proportional representation which has been provided in the bill in clause 48. Every graduate when recording his vote can give the first preferential vote to the best persons in his own division. Opportunity is therefore provided for to select the best men in his own division. Therefore, there is no danger whatever of particular divisions going unrepresented. The honourable member Mr. Jadhav's object will be gained by clause 48. If there is a smaller number of graduates in a particular division the number of first preferential votes will be small, and therefore the number of graduates they will be able to send up will be small ; if there is a large number the number of first preferential votes will be large and the number of representatives will be proportionately large. Therefore, as every opportunity has been given to every division to send representatives in proportion to the number of graduates in that division, this House need not pass this amendment.

Dr. M. D. GILDER (Bombay City, North) : Sir, I would like to point out the difficulty in the way of dividing this constituency into five divisions. The Fellows of the Senate are to be divided into five equal lots for the purpose of vacating office, and every year one-fifth of the Fellows will be elected. Therefore, of these 25, five will be elected every year. Now, every year the number of registered graduates will change, and if

[Dr. M. D. Gilder]

we are going to adopt the principle of fixing representation for a division according to the number of graduates in that division, are we to change the number every year? I have thought over this matter, because I myself wanted to move an amendment of this nature, but I find that it will not be practicable or workable. Hence, I oppose this amendment.

Mr. G. L. WINTERBOTHAM : Sir, I desire to move an amendment :

After the figure "25" insert the following words : "one-fifth of this number to be graduates in arts; one-fifth in science; one-fifth in medicine; one-fifth in law; and one-fifth in engineering."

The Honourable the PRESIDENT : That is no amendment of this amendment. It is a separate amendment, and therefore time-barred.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I think the registered graduates are given the right of voting not on account of their residence but on account of their particular qualifications. From that point of view, it is not desirable to divide them territorially. Similarly because there are a smaller number of registered graduates in one division and a larger number in another, it is not desirable to divide the constituency into territorial divisions. I think the registered graduates are enlightened enough to be able to choose the best men available, and their constituency should not be divided as proposed by the mover of the amendment. I see there is a fear in some quarters that more lawyers may get into the Senate than is necessary. I do not think the fear about lawyers is in any way founded on very sound grounds. I am therefore against this territorial division of the constituency of registered graduates, and I oppose this amendment.

Mr. B. G. PAHALAJANI : Sir, I move a closure.

The Honourable the PRESIDENT : I accept it.

Mr. B. V. JADHAV : Sir, I do not think I need say much, as I have already stated what I had to say. I think the amendment is worthy of being accepted by the House.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I need hardly say anything beyond what I have already said. But I would say a word. It was said by an honourable member in another connection that a particular thing was going to be a pocket borough. Now, take the instance of the Karnatak. There you may have a few graduates. Take the instance of the Central Division. There may be particularly in the Marathi speaking division larger number of graduates than in Gujerat. Therefore I oppose the amendment.

Question put and lost.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I move that—

In clause 13-A (vii) delete the words "of whom one shall be the representative..... senate."

This amendment is put in as a matter of protest. I want to move this amendment to show how in giving the principle of election to a

[Mr. Noor Mahomed]

constituency the principle of nomination is introduced. The clause as it stand reads as follows :—

“Five by the Legislative Council of the Governor of Bombay, of whom one shall be the representative of the University on the Council if he is not already a member of the senate.”

That is how it has emerged from the select committee. The original bill contained the provision that the Legislative Council of the Governor shall send 5 representatives to the senate. But, Sir, we have grown a little clannish and therefore we have got here one more seat reserved to be filled in practically by “nomination” for the member of the university if he does not happen to be already a fellow of the Senate. This is what I call giving by one hand and taking away with the other. Such a thing ought not to have occurred, but it has occurred and therefore I lodge my formal protest against the way we have been treated all round. I want to proclaim to the world that the whole bill has been conceived in a wrong spirit and I very much regret that it should have been so.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : I support the amendment. This comes under the heading “Elected as prescribed below.” But the proper place for this is “*ex-officio* members”. It has been put down under part D Ordinary. Now if a member of the university in the Legislative Council is not a member of the senate it is open for him to seek election to the senate rather than that he should go in as an *ex-officio* member from the Legislative Council. The original intention of the bill was not that. Otherwise, just as there are so many provisions, one more section could have been added that the member of the university in the Legislative Council will be an *ex-officio* member of the senate. If the member for the Bombay University could come in to the Legislative Council he could as well very easily get the votes of the registered graduates and get into the university. It would be very easy for him to do so. Registered graduates elect twenty-five fellows. Therefore it will be twenty-five times easier for him to be elected on the senate. I would say here that it is more or less an insult to the person who represents the University on this Council to go into the senate by such a back door provision. I think, therefore, that these words must be taken away. I support the amendment.

Rao Saheb D. R. PATIL (East Khandesh District) : I have given notice of a similar amendment and I therefore support the amendment. It is I think an insult as was stated by the last speaker, to the representative of the University. In my opinion he deserves to be there and ought to be there. But there are other ways for him to get in there. There are 25 seats for election by registered graduates who belong to the intelligentsia and they may elect this brilliant intelligentsia. I do not think there will be any difficulty for my honourable and learned friend to get himself elected by any one of the constituencies. I think he ought to get in by election. So I think in the interests of the intelligentsia the honourable member for University instead of talking with the Honourable

[Rao Saheb D. R. Patil]

Minister should make a speech in favour of this amendment. May I request, the Honourable Minister to listen to the discussion instead of talking to the honourable member Mr. Munshi? I bring this fact to his notice that it is an insult to the honourable member the representative of the University in that he is allowed an entrance through the back door. I trust that those who deal in the nation-building departments will at least come to the rescue of my honourable and learned friend who is a lover of democracy, so that he may not go into the Senate by the back door. Lovers of democracy including my honourable friend Mr. Munshi should not subject themselves to this insult which the Honourable the Minister for Education has given to the representative of the intelligentsia.

Mr. R. S. ASAVALE (Bombay City, North): I rise to support the amendment moved by my honourable friend Mr. Noor Mahomed. From the speech of the honourable mover and the two supporters of the amendment it will be clear how this side of the House is treated. The Honourable Minister knows that at the present time he has got the full support of those who were previously not with him.

The Honourable the PRESIDENT: Order, order. I think that every honourable member ought to take it that every other honourable member is acting according to his convictions and no assertions of that kind need be flung at honourable members.

Mr. R. S. ASAVALE: As it has been proposed that out of the five members that are to be sent from this Council one should be that gentleman who is actually elected by the University, if he be thrown out from this Council, it is really, as stated by the previous speaker, an insult to the gentleman who has been elected by the majority of the graduates of the presidency. With these few remarks, I support the amendment.

Mr. G. L. WINTERBOTHAM (Bombay Chamber of Commerce): Mr. President, I do not really think that it is possible for any one to support this amendment moved by the honourable member Mr. Noor Mahomed. The only thing I have to regret is that the honourable member sitting on my left was not in a position to move the amendment which stood in his name on the paper immediately preceding this one, because I cannot for the life of me understand why this Council need be represented on the Senate. Has it got representation on the Bombay Municipality? As far as I know, it has not. But if it is to be so represented would it not be ludicrous not to send as one of the Council representatives the representative of the University itself? Why should he stand for election? If this Council is to have 5 representatives on the Senate, then one of the obvious members to be sent there without any election at all is the representative of the University itself, and I hope that the honourable member will not press his amendment.

Mr. B. V. JADHAV: Sir, I rise to support this amendment. The reasons are quite obvious. As a matter of fact, the member of the University on this Council, if he desires to be a member of the Senate, as well, he can very easily come through the graduates' constituency, and therefore,

[Mr. B. V. Jadhav]

provision for him need not be made in the Act. The provision is an insult, as has been said by one or two previous speakers, to the intelligence of the member representing the University, and this Council ought to remove it. There is no necessity of making this special provision and I have great pleasure in supporting the amendment.

Mr. S. C. JOSHI : Mr. President, I rise to support the amendment. The only object of having this clause inserted in this bill is to see that the representative of the Senate on this Council is the true representative of the University and not only in name. The proper course for this would be to amend the rules of the Bombay Electoral Rules and to make it compulsory that the representative of the University, who is going to contest the election for the Bombay Council to be a fellow of the Senate, and that is the proper course for him to come into the Bombay Council, if he is to be the representative of the University. He ought not to be a mere representative of the graduates, but of the Senate. And to make a change here and to reduce the number of fellows of this Council on the Senate would be entirely wrong. I, therefore, whole-heartedly support this amendment.

Mr. R. G. PRADHAN (Nasik District) : Mr. President, I feel the force of the argument advanced by the honourable member Mr. Winterbotham that there is no reason why this Council should have representation on the University. I think it would have been better if that clause had been entirely deleted. However, as the clause stands, I do not realise that there is any force in the particular argument advanced by the same honourable member that the University member on this Legislative Council should be an *ex-officio* member of the University Senate. He clinched his argument by saying : Who would have better knowledge about university matters if not the University member himself ? I do not agree with him there, and I do not accept the position that simply because a particular individual happens to be elected for the constituency of the Bombay University, this Legislative Council should send him also as a member to represent it on the Bombay University.....

Mr. G. L. WINTERBOTHAM : Is he not likely to know most of the subjects coming up before the University ?

Mr. R. G. PRADHAN : I do not much believe in it. Any particular member representing the University may know a lot about University matters. But it is not simply knowledge that counts, or ought to count, with voters. Right principles, right attitude, right policy, right method, and right temperament ought also to count with the voters. Personally, with due respect to my honourable friend Mr. Munshi, if this Legislative Council had the right of electing members to the University, I would not vote for Mr. Munshi simply because he represents the University here. From what I have seen of him from the speeches he has made. I personally do not regard him as one who would be best qualified to represent this legislature on the University.....

The Honourable the PRESIDENT : Order, order.



Mr. R. G. PRADHAN : I will not pursue that question. I only wanted to.....

The Honourable the PRESIDENT : This clause does not contemplate the honourable member Mr. Munshi at all. It is a member, whoever he may be, whenever that election comes on, who may represent the University here at the time.

Mr. R. G. PRADHAN : I simply illustrated that point,—and I do not want to pursue it further,—in order to combat the argument advanced by my honourable friend Mr. Winterbotham which amounted simply to this, that we would be bound, as it were, to elect to the University, the gentleman, whoever he may be, whether he may be the honourable member Mr. Munshi or somebody else, who is elected as the representative of the University in this Legislative Council. It appears to me that if this right of sending representatives to the University on behalf of this Legislative Council is sought to be retained, the better course would be to elect all and not to make any one an *ex-officio* member. Therefore, though I agree that it would be much better if this clause has been deleted altogether,—and if such an amendment could be moved now, I would be prepared to support it,—I think this provision that the University member here should be an *ex-officio* member on the Senate should go.

The Honourable Sir COWASJI JEHangIR : Mr. President, I find that this amendment has created a certain amount of excitement in this honourable House, which I do not think is quite justified. On the face of it, I admit that it appears to be quite illogical that this House should send as their representative to the Senate the representatives of the University in this House. The honourable member who represents the University in this House, is by this clause, sent back to the University as our representative. That appears to me to be illogical. But it is not so very illogical when we come to consider whether the honourable member is really the representative of the University. It appears to me that the expression used “a representative of the University” is misleading. The honourable member does not represent the University ; he represents the graduates of the presidency, and the graduates of the University are not the University.

Rao Saheb D. R. PATIL : It is a play upon words.

The Honourable Sir COWASJI JEHangIR : No, it is not a play upon words. He is normally called a representative of the University but he is returned by a constituency which is not directly connected with the University, and, therefore, it may happen that that constituency, namely, the graduates, may return an honourable member who is not a member of the Senate, and therefore if he does not happen to be a member of the Senate, it is just as well that this House should make him a member of the Senate. There are thousands of registered graduates. They do not constitute the University.....

MOULVI RAFIUDDIN AHMAD : The members of the senate have also a vote.

The Honourable Sir COWASJI JEHangIR : Along with the graduates. He represents only the graduates.....

MOULVI RAFIUDDIN AHMAD : No, No. He represents the members of the Senate also.

The Honourable Sir COWASJI JEHangIR : I think my position is quite clear, that the so-called representative of the University is a representative of the graduates of this presidency. He is not sent here purely and simply as a representative of the Senate, but he is sent here by a wider constituency. Therefore, if it so happens that the representative of the graduates does not happen to be a member of the senate, it is just as well that when this House has an opportunity of sending five members to the Senate, they should send the representative of the graduates. Surely one of the fittest persons in this House to be on the senate would be the representative of the graduates in this House. He is elected by what is called the most intellectual constituency. If he is elected by the most intellectual constituency, I think we should show him a little preference and send him by right to the Senate. That is the point I believe that was made out and emphasized when this amendment was included in the bill. The whole trouble has taken place because the honourable member is described as a representative of the University, and on the face of it I again admit that it appears to be illogical, but when we consider it a little further, it is not so illogical. In the present case I understand that the so-called representative of the University happens to be a member of the Senate, but I understand that on one occasion the representative of the registered graduates did not happen to be a member of the senate and that was rather an impossible position, and, therefore, it only means this that if we are to send five representatives of this House to the senate, we by law are forced to send one member who happens to be returned to this House by the graduates of the presidency.

Mr. K. M. MUNSHI (Bombay University) : Sir, I would not have spoken on this matter at all had it not been for certain references which have been made to me in connection with this amendment. This debate has given me many surprises. My honourable friend from Nasik, Mr. R. G. Pradhan, told me the other day that he was the greatest authority on constitutional law in India. But it seems that he never read Standing Order V, 7 (2) (ii) which says that a member must not make a personal charge against any other member. That is one surprise.

There is a second surprise. Another member who spoke before me thundered against the principle of nominations—a member who all his life has been praying and praying for nominations.

With regard to this particular amendment, I may mention that it is the rule in almost every English university that the member of Parliament for that university gets his seat on that university. In all the universities in England.....

Mr. B. V. JADHAV : Is he sent back by the Parliament ?

Mr. K. M. MUNSHI : Yes. As a rule the Parliament returns a member to the senate. Even in the case of the representative of the University, he is elected not by the senate but by the whole body of registered graduates of the university to the Parliament and that member, as of right,

[Mr. K. M. Munshi]

goes on the senate. The reason for this has already been explained by my honourable friend, Sir Cowasji. Before I proceed, I might as well make it clear that the one instance which induced me to suggest this amendment was not my instance because I am already on the senate, not of Dr. Paranjpye either because he was on the senate long before he came here, but the instance of an erstwhile leader of the opposition in this House, who was a popular leader of this assembly, upon whom I have always looked with pride, I mean my friend Mr. Jayakar. He was a member representing the Bombay University in this House but he was not on the senate. The reason why the member representing the Bombay University in this House must be on the senate is this. The persons who go to the senate are not persons who take part in the political agitations of the country. Most of them are interested in the academic problems of the university and go to the senate as educationists having for some reason or other a great interest in the higher education of the presidency. The man who comes here as a representative of the registered graduates is not only an academician, somebody who is not only interested in higher education of the presidency, but further who has got a standing in the public life of the presidency as a public man. Mr. Jayakar came into this Council both as a person interested in the higher education of the presidency and as a public man. It may happen that the politician, who is also an academician, may be interested in coming here and taking part in the legislative council, but he may not have the time or the energy or the inclination to contest an election for academic purposes or to take an active interest in the academic life of the university. Therefore, he may not choose to undergo the double trial of getting elected by 7,000 registered graduates for coming here and then again seek election from 1,800 registered for going into the senate. The only object therefore of this clause is that a time may arise when it may be necessary for the member of the university in this Council to be connected with the university affairs in such a manner that he may adequately represent not only the large body of registered graduates but also to a considerable extent the interests of the senate. If I may with great humility refer to the present question of the reform of the university, in a debate like this, just conceive the position of a member for the Bombay university, who is so disconnected with the senate that he has no place therein and is not in touch with what is going on there. That will be an anomaly and it is only to correct that anomaly and to put the representation of this Council on the senate on a proper basis that the select committee thought that in the rare event when the representative of the Bombay University here is not on the senate, he should go there as of right, and Sir, I really thought that this was such an obvious proposition that if at all this House is going to send anybody, the one man who is here in the name of the university would be sent on the senate, that it would find ready acceptance at the hands of this Council; otherwise it would create an absurd position and therefore, Sir, I submit that this clause, as it stands, ought to be accepted.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President, I am extremely sorry that the bill was not referred to the senate. The Senate would have scouted the idea of sending to it as a member, *ex-officio*, the representative of the University on this Council. Sir, what business has the representative of the University to come here, if he does not know the affairs of the University, or the proceedings of the Senate. My honourable friend Mr. Munshi gave the instance of Mr. Jayakar, the only instance of a person who has been a representative of the University in this Council who was not on the Senate. In former times, the Honourable Sir Chimanlal Setalvad has always been a member of the Senate ; Dr. Paranjpye has always been a member of the Senate. Let me tell you, Sir, that Mr. Jayakar was not a member of the Senate because he did not choose to be one as he non-co-operated, not that he could not be elected or nominated to the Senate. Such a difficulty will not arise now, because now the whole thing is reversed. Formerly, there were four-fifths nominations ; now there are four-fifths elected members ; the whole thing is reversed. I cannot think of any member for the University in this Council who will not be elected, if he likes to be elected as a senator by the graduates. Therefore, Sir, I do not think that this is right provision. Moreover my honourable friend does not say why the member for the university should fight shy of standing as a candidate here to be elected to the Senate. This House will always be pleased to choose him as a senator, if he was not already one, but why should he fight shy of standing as a candidate ? Why should he claim it as a matter of right ?

Now, with due respect to the honourable member for the Chamber of Commerce, I think he understands very little about the University, and for him to come forward and advocate such a course does him no credit. If we interfered in the affairs of the Chamber of Commerce, he would surely resent it.

In this bill, Sir, we have got the right of sending only five members from this Council to the Senate. I was sorry to hear one of the honourable members saying that he would not like to have any representation of this Council on the Senate. Allow me to tell him that the Senate did not think so, and does not think so, and the Senate ought to know. The Senate say that the Legislative Council should send five representatives. That is the opinion of the Senate, and I do not see any other expert opinion could be successfully pitted against it. Personally, I think that this Council should send 10 members instead of five, because, if there is any representative body in the whole of the presidency competent to send representatives to the senate it is this Council. I would personally have preferred to have a larger representation for this Council. But surely, when we have only five, to take away one from the five does not seem to me to be justifiable. Therefore, there is no point in the argument advanced by the honourable member Mr. Munshi, and it is not necessary that the member for the University in this Council should be *ex-officio* on the Senate.

There is one more point. My honourable friend the General Member, I am afraid, was not right when he said that the honourable member for the University was only a representative of the graduates, and not of

[Moulvi Rafiuddin Ahmad]

the University. The graduates are the members of the University, the Senators are the Fellows of the University and they together form the University, and therefore he is rightly designated as the member for the University. With these words, I support the amendment.

Mr. S. K. BOLE : Sir, I rise to support the amendment. I think this clause is nothing but another form of nomination and reserved seats. Sir, nomination and reserved seats are meant for those who are not competent enough to get elected, but here provision of this kind is made for one who is competent enough to get elected in this Council as well as outside the Council. I submit, Sir, that the proper wording of the clause ought to have been " of whom one shall be the representative of Labour." But the policy throughout the bill seems to be to give representation to those who are able to take care of themselves, and shut out those who are not able to take care of themselves. That seems to be the policy of the present bill, and therefore, I do not think any pleadings would be of any avail, when there is a determined effort to turn out all the amendments moved by the other side.

An Honourable MEMBER : I move the closure.

The Honourable the PRESIDENT : I accept it.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I shall be brief. I wish to say only that though I am to be defeated on this amendment, therein lies my victory. I want to show the spirit in which this University Bill has been conceived and is being pushed on, to keep out various classes and communities educationally backward and how the Senate is to be monopolized.

Sir, various arguments have been brought forward to show that the graduates are the most intellectual people, and therefore, when their representative comes into this Council he should be sent back automatically to the Senate. That is to say, the representative of the University is so great an intellectual person that this House should not be given the right to say whether he should or should not be sent as its representative on the Senate ; he should be automatically sent to the Senate. We are to make a shuttlecock of him ; the University is to hit him here, and we are to hit him back to the Senate. This clause, Sir, is not in the interest of all classes ; it is certainly to the advantage of only the advanced classes, in whose interest this bill is being pushed through. I say this bill is a mockery.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, in the bill as it was sent to the select committee, the words were " by the Legislative Council of the Governor of Bombay." Those were the only words there, but in view of the instance of Mr. Jayakar who, though he was returned to this House by the graduates of the presidency, did not happen to be on the Senate, and in order to provide for a case of that sort, as has been explained by my honourable colleague, this addition was made by the select committee. There was no idea of reserving any seat for any one, much less for the present representative in this House of the registered graduates. He may be here for a year or two, and may not be here again. But the provision here has been made for a representative of the registered

[Dewan Bahadur Harilal D. Desai]

graduates in this Council to be on the Senate, if he is not already a Fellow there; and looking to the communal atmosphere, which is sometimes supreme, it is necessary that this clause should be allowed to stand as it is.

Question put. House divided. Ayes 24; Noes 46.

Motion lost.

*Division No. 8*

#### Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb.  
AHMAD, MOULVI RAFIUDDIN  
AMBEDKAR, Dr. B. R.  
ASAVALE, Mr. R. S.  
BHUTTO, Khan Bahadur S. N.  
BOLE, Mr. S. K.  
DAWOODKHAN SHALEBHOY, Mr.  
HAJI MIR MAHOMED BALOOCH, Mr.  
ISRAN, Khan Saheb GHULAM MUHAMMAD  
ABDULLAH KHAN.  
JADHAV, Mr. B. V.  
JOSHI, Mr. S. C.  
KAMBLI, Rao Bahadur S. T.

KHURRO, Mr. M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD.  
NAVLE, Mr. N. E.  
NOOB MAHOMED, Mr.  
PATIL, Rao Saheb D. R.  
PETCH, Mr. F. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SWAMINARAYAN, Mr. J. C.  
SYED MUNAWAR, Mr.  
THORAT, Sardar S. B.  
VANDEKAR, Rao Saheb R. V.  
WASIF, Mr. G. A. D.

*Tellers for the Ayes :* Mr. NOOR MAHOMED AND MOULVI RAFIUDDIN AHMAD.

#### Noes

AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BHOSLE, Mr. M. G.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DASTUR, Khan Bahadur F. M.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir.  
GUNJAL, Mr. N. R.  
HAMILL, Mr. H.  
HATCH, Mr. G. W.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
KALE, Rao Bahadur R. R.

KARRI, Mr. M. D.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MEHTA, the Honourable Sir CHUNILAL  
MONTEATH, Mr. J.  
MUKADAM, Mr. W. S.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
OWEN, Mr. A. C.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
PETIT, Mr. J. B.  
PRADHAN, the Honourable Mr. G. B.  
RAJMAL LAKHTOHAND, Mr.  
RIEU, the Honourable Mr. J. L.  
SHETH, Mr. A. D.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SURVE, Mr. V. A.  
TURNER, Mr. C. W. A.  
WEBB, Mr. M.  
WINTERBOTHAM, Mr. G. L.

*Tellers for the Noes* Mr. K. M. MUNSHI AND Mr. G. L. WINTERBOTHAM.

The Honourable the PRESIDENT : The House will remember that I referred to the request of some honourable members that the House should meet to-morrow at 10-30 and adjourn at 2 o'clock in view of the Dasara holiday the day after, so that some honourable members may be able to go back to their homes. I hope honourable members have made up their mind whether to accept this proposal or not. (Honourable Members expressed agreement) Any dissentient? (Honourable members: None). The House will meet to-morrow at 10-30 and adjourn at 2 p.m.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir I move :

In Clause 13 (1) II (B), change the figure " 40 " into " 30."

It is only in this country that has lost its independence that the vicious principle of nomination is embodied in every Act. If we go to the local boards, we have got nominated members ; if we go to municipalities we have got nominated members ; if we come to this august House, the Bombay Legislative Council, the nominated members are still staring us in the face. This is the result of our having lost our independence. Because a foreign government is ruling over us, in order to serve the interests of that foreign country we are being faced with nominated members. If it be possible for me to have my own way I would do away with the principle of nomination altogether in the Senate which is to represent the intelligentsia of the presidency and which is to work for the education of the high and the low living in the Bombay Presidency. When the honourable member Mr. Hamill moved his amendment to raise the representation given to University teachers and teachers from 10 to 20, the argument was advanced that it will not be necessary if that amendment was passed to nominate principals who as teachers would be enabled to enter the university. Also the principals could come through their special constituency. Now that that amendment has been passed, and the number has been raised from 10 to 20 in that sub-clause, the necessity of this abnormally large number of nominated Fellows is no longer necessary. At that time it was clearly stated that some of the persons whom Government might nominate would be able to come into the Senate through election. Now, we find that Government are trying to bring their own men in various ways. Under *ex-officio* members we have five. I did not move the deletion of the Chief Justice of Bombay High Court, the Director of Public Instruction, the Surgeon General to the Government of Bombay, the Director of Agriculture or the Secretary to Government in the Public Works Department, because I wanted to reduce the number of nominated Fellows from 40 to 30. Government have already five officers of theirs as *ex-officio* Fellows, and again they are going to have the lion's share of the seats on the Senate by having 40 seats for nomination. In all other bodies, local boards, municipalities, and in the Legislative Council, we do not find nominated members to exceed more than 20 per cent. of the total number of seats. But here in this body where there should be no nomination—in a place where educated men are to debate and direct the education of the province, the principle of nomination should be done away with—in such a place we are to have out of 140 seats—I feel the total number will not be above 150—40 seats are to be nominated seats, and about ten seats *ex-officio*. That is to say, there will be about 33 per cent. actually coming in through the door of nomination. Sir, I myself belong to the most backward community in Gujarat ; in my community, out of 14 lakhs of people there will not be more than 14 graduates. Still, I wish to point out to members of the backward communities that it is a chimera that by giving the power of nomination to Government their interests will be served. It is chimerical for them to think that their interests will be served by nomination. Nomination is a bad principle. The people who come through

[Mr. J. C. Swaminarayan]

the door of nomination will serve the interests of Government much more than the interests of the communities whom they are supposed to represent. They will not be answerable to any electorate for their conduct in voting on any important question that arises. Therefore it is necessary that the backward communities should try to represent their interests by elected representatives of their own rather than trust to a foreign Government to nominate men to represent their interests.

Again, when we have allowed the Vice-Chancellor to be nominated by Government, why should Government have this abnormal number of nominated Fellows? Sir, in the original Senate 80 per cent. of the Fellows were nominated, and everybody was raising a hue and cry against that large number of nominated Fellows and the University was regarded as an official department. Now, under this bill also we have a large number of nominated Fellows and the University is going to be dominated by officials. Therefore, it is necessary that this House should reduce the number of nominated Fellows. When the number of seats given to principals, University teachers and teachers have been raised from 10 to 20, I think the number of nominated seats can be reduced from 40 to 30.

Question proposed.

The Honourable the PRESIDENT: The House is adjourned till 10-30 a.m. to-morrow Wednesday, the 5th October 1927.



*Wednesday, the 5th October 1927*

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The Council re-assembled at the Council Hall, Poona, on Wednesday the 5th October 1927, at 10-30 a.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 ADDYMAN, Mr. J.  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DASTUR, Khan Bahadur F. M.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable DEWAN Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESAI, Rao Saheb D. P.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 DUGUID, Mr. A.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HAMILL, Mr. H.  
 HATCH, Mr. G. W.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHANGIR, the Honourable Sir COWASJI  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.

KALE Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHHO, Mr. M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

*(Further consideration of Bill No. XXI of 1927, Bombay  
 University Bill, resumed.)*

The Honourable the PRESIDENT : Government Bills, Bill No. XXI  
 of 1927. clause 13, Mr. Swaminarayan's amendment that '40' be  
 changed into '30'.

Question again proposed :

In clause 13 (I) II (B), change the figure '40' into '30'.

The Honourable Sir GHULAM HUSSAIN : Sir, I have heard such a great tirade against nominations in this House. But when the time for nomination comes, if there are five nominations to be made, I receive no less than 50 applications. At least, this proves that nominations are not considered as bad as is made out by the last speaker. I might give him certain instances when Government have nominated the pick of the people. The present leader of Gujarat, my honourable friend Mr. Patel, was once a nominee of Government on the municipality and then he entered the Council, and without that nomination I am afraid he may not have obtained the fame and name that he has achieved today. If I mistake not, your predecessor, Sir, was also a nominated member on the Council. There may be many other instances. I do not quite remember whether Mr. Gokhale was a nominated member, but I think he was.

MOULVI RAFIUDDIN AHMAD : He was.

The Honourable Sir GHULAM HUSSAIN : So, I have given the names of three illustrious nominated members who were given the opportunity of entering into the local bodies or into the Council by the door of nomination. They have shown as sturdy an independence as any honourable member in this House. But if my Honourable friend is opposed to the principle of nomination, I do not think it is fair to me to be plagued with applications when the time of nomination comes.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu) : Mr. President, I rise to support the amendment moved by my honourable friend Mr. Swaminarayan for reducing the number of nominated members. I will give one instance, the instance of the Karachi municipality, where out of 54 members 6 are nominated by Government. I have seen their work both in this Council and in the municipality. One Mahomedan gentleman was nominated by Government. The Collector of Karachi had recommended two names. One was Khan Bahadur Wali Mahomed Hassan Ali, and the other.....

The Honourable the PRESIDENT : In my opinion all these references to names are not desirable nor in order. The honourable member had better not mention any names.

Mr. HAJI MIR MAHOMED BALOCH : Very well, Sir. I will not mention names. In these nominations a man who had rendered 25 to 30 years' useful municipal service and was a capable man, was left out and a man was nominated who had little or no experience of municipal work and in fact who had never had any connection with municipal affairs at all. So, out of these 40 members who are to be nominated by Government, who knows who will come in ? We do not know whether mere flatterers or those who wish to fawn on Government will come in, or whether men of any stuff at all will come in. If in the case of Karachi municipality our experience has been that men without any experience or ability have been nominated, how can we be at all sure that good and suitable men will come in by nomination in this case ? It is the duty of those members who have been returned to the Council by the people, who are elected by the people, to have due regard to the

[Mr. Haji Mir Mahomed Baloch]

interests of the people and not to be carried away by anybody's influence. Yesterday, my honourable friend Mr. Noor Mahomed moved an amendment, and although a high responsible Government member *samjaoed* the Honourable Minister it was not acceptable to an important member and thus the amendment was rejected showing that there were more ministers than one to decide. That should not be the case. Members must vote according to their own independent opinion and conscience. I, therefore, strongly urge that the principle of nomination should not be encouraged and the number of nominations should be as small as possible.

Mr. S. K. BOLE : Sir, I rise to oppose the amendment moved by my honourable friend Mr. Swaminarayan. Sir, there was a time when nomination was flagrantly condemned. But times are changing fast and with times men and parties are also changing fast. Sir, when the Reforms Scheme came into existence, there was the boycott of the Council. Then, after that, there came the entry into the Council with the object of mending the Councils or ending the Councils. Then came the vow of silence. After that, there was a walk-out and a walk-in. And, finally, came the acceptance of Ministerships and Executive Councilorships, and what has happened the other day—that was a sight for the gods to see—members of the Swaraj party, members of the Khaddar party, members of the nationalist party, members of the independent party, trooping into the Government lobby, siding with the Government Members, for giving their approval to the principle of nomination !

The Honourable the PRESIDENT : I did not know that there was a Khaddar party in the House.

Mr. S. K. BOLE : There may be, Sir. I do not know. There are so many parties. After his experience of the municipal elections, who knows if my honourable friend Mr. Swaminarayan does not want nomination ? (Laughter).

Mr. J. C. SWAMINARAYAN : Certainly not.

Mr. S. K. BOLE : My honourable friend says, Sir, "Certainly not". When he came into the Council in 1925, he boycotted every Government function. But I was surprised to see him once in the Government House. Now, Sir, as times are changing, men are also changing. A time would come when they all would also seek nomination. Who knows ? Then, why blame the nominated members only ? Sometimes nominated members show more independence than the elected members. They (elected members) have given a pledge that their policy would be to oppose the Government. And where is that policy gone during the discussion of this University Bill ? The policy is quite the reverse. to support the Government, whether they were right or wrong. Then, why condemn the nominated members and nomination ? When you shut the front door for these backward classes, who are not able to get in by election, then, of course, they should not be blamed if they seek election by the back door. So, I say nomination should not be condemned wholesale and therefore, I oppose the amendment. I may also say that I am not

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for reducing the number but for increasing it. I submit that the number of nominations should be increased from 40 to 50. Sir, the nominations are meant for those who are in the minority and who cannot get in by election. But at the time of nominations also, men who can easily get in by election try to seek nomination. There is so much rush. So, it would be better if the number is increased from 40 to 50. With these words I oppose the amendment moved by my honourable friend Mr. Swaminarayan.

Mr. F. OLIVEIRA : Mr. President, I rise to oppose the amendment. I know that the soul of India to-day cries against communalism. I know that the interests of India have been sacrificed by the spirit of communalistic strife. I know that the best minds of India are engaged at present in order to meet this evil. I represent a community which is small in numbers, and this community in matters of open election stands little or no chance of success against the vast numbers of other communities. If the major communities had up to now shown a broad spirit in the matter of elections and had not thought and acted in terms of Hindus, of Mahomedans, or of Parsees, had looked at the best interests of India, and had extended support and justice to the smaller communities, then it would have been my duty to support this amendment, as we are anxious to move in matters political and educational along with them. But, having regard to past experience, we find that a minor community absolutely thrown out in the struggle. As long as such a feeling prevails, where are the chances for my community, namely, the Indian Christian community, to come in by election? The only door open to them is the door of nomination, and therefore I think it is my duty to oppose the amendment and to support the principle of nomination. The community I represent is, in the matter of education, well advanced, the proportion of the educated stands as high as that in any other community. I believe it is not below that of the Parsee community. Government is aware of this fact that my community is ranked among the advanced classes.

There are several special privileges given to what are called backward and depressed classes. These privileges are denied to us. When it comes to our seeking election through a general constituency and competing with other advanced classes, we find ourselves hopelessly outnumbered and forsaken, and that is the reason why we are driven to seek shelter under nomination. I hope the amendment will be rejected, as, far from there being any case made out for decreasing the number of nominated seats, there is every ground for increasing that number.

Mr. N. A. BECHAR (Karachi City) : Mr. President, I support the amendment which my honourable friend from Ahmedabad has moved. Before I go to the other points, I should like to dispose of one contention made by the honourable member (nominated) from Bombay. He tells us that the elections are carried on entirely on communal lines and that if there is any way for the smaller or minor communities, it is through nominations only and he said that his past experience of elections led him to that belief. Sir, I want to disabuse his mind of that

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belief not in reference to any other areas of which he may probably not be aware but of the city of Bombay from which he hails. You know the city of Bombay has the right of sending 5 representatives from the non-Muhammadan constituencies and what do we find? We find that 4 Parsis out of a total of 5 seats allotted to Bombay were actually returned to this Council. If that is not the proof of the urbane outlook of the people of Bombay who belong to the Hindu community which contains a great majority of voters in Bombay in the non-Muhammadan electorates I fail to see what strong and cogent proof he requires to convince him that we do not look upon communal considerations in matters political.

Sir, having disposed of that point, I should now like to refer to some of the salient points on this question. I support this amendment firstly on the ground that was made out by the honourable member who has been nominated for the purpose of this bill from Bombay, my friend Mr. Hamill, who suggested that ten seats allotted to the teachers and professors of colleges should be increased to 20 in order that some of the pressure might be relieved on seats reserved for nomination. He made out that if these 10 seats were not increased to 20, Government would have the necessity and the recourse of nominating at least 10 men out of the 40 reserved for nomination in order that the academic work of the various Faculties might be carried on satisfactorily. Sir, I therefore deduce that having secured all that was wanted or necessary for the purpose of academic work, these 40 seats would now be reserved only for representation on communal lines. I take my stand upon that point and say that since 10 seats that would have ordinarily gone to the people of academic qualifications have already been secured by election, there is a necessity of corresponding reduction of nominations by 10. That is one point which is very strongly in favour of the amendment which my honourable friend from Ahmedabad has moved.

Now, I go to the question of the nominations and the Government strength in the Senate. I have carefully analysed all the electorates and the representation granted to each constituency, and I find that out of a total of 142 members proposed under this bill, no less than about 75 will go to Government. You find under the ex-officio group Government is going to monopolise out of 9 seats at least 6 seats; out of principals who have been allotted 8 seats, I am sure no less than 3 will fall to the lot of Government members. Then again, we have increased the University teachers and other teachers' seats from 10 to 20, and I am sure that 12 Government members will easily get elected out of that number. Then, again, Sir, if you go to headmasters and the other people who have been grouped together, 2 are bound to be returned out of the 5 who will vote for Government. Ten will be elected by the Faculties, and I am sure that all these 10 seats will be captured by Government. Then again there are 5 members to be returned by the Legislative Council. We had some experience of how these elections are made when this House was called upon to elect members for various committees, and I know the amount of strength which Government

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possess. With that strength Government are bound to return 2 men whom they will back up out of the 5.

The strength of nominated members, namely, 40, is reserved to them exclusively. That is how I count 75 out of 142. My honourable friend from Ahmedabad spoke yesterday saying that not more than 20 per cent. of the total strength ought to be reserved for nomination and no more. Sir, if you analyse these figures I have just placed before you, you will find that Government has got not 20 per cent. but more than 50 per cent., namely, 86 out of 142, and I fail to see, since in the very preamble and the aims and objects of this bill it has been shown that the object of this bill is to democratise the Senate, where the democracy enters in the constitution. I think that we ought to reduce the number of nominated seats from 40 to 30.

It has been argued that the Muhammadans, and Marathas, a backward community, which belong to the Great Shivaji and who should never talk of being backward but somehow call themselves backward, are not likely to get due representation through the open door of election through general constituencies. You know that the proper door of election has been restricted to the extent of 25 seats for the registered graduates.

The other seats, something like 5 for the local boards and 5 for the municipalities, are open to them, and I am sure that the district local board seats will be captured by the people with whom they are in sympathy or those who are in sympathy with them. So, so far as actual, proper, thorough representation by election is concerned, it is only 25 seats, and I put it to you, if you are going to have only 25 elected seats in the strictest sense of the term, how on earth can you justify 40 seats for nomination? Again, when you see that only 25 members are going to be elected from a general electorate, you have to consider what should be the minimum nominations which these communities should secure. There are 4 divisions in this presidency for administrative purposes, and as they represent 2 divisions, they can claim not more than about 10 seats. The Mahrattas in the Southern and Central Divisions, on the basis of the 25 seats which have been reserved for strict election, could be able to secure only 6 or 7 seats, but assuming that they are given 10 seats out of nominations still you will have 20 left.

Now, let us examine the position and the case of the Musalmans. Sir, they form no less or no more than about 17 per cent. or 19 per cent. of the population of this presidency.

An Honourable MEMBER : Question.

The Honourable Sir GHULAM HUSSAIN : That is a mis-statement.

Mr. N. A. BECHAR : My impression is that it is not more than 17 per cent. In any case, I am sure it is not more than 20 per cent.

Honourable MEMBERS : No.

Mr. N. A. BECHAR : Beyond saying that my figure is wrong, you are not able to say whether it is 25 per cent. or 30 per cent. I assume

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that I am right in the absence of any figures. Now, Sir, looking to the percentage of their population to the total population, which is about 19 per cent. let us see how many seats they are entitled to out of a total of 142. It should not be more than about 20 seats. If they are entitled, according to their population to a total of 20 seats, and since there is a chance of their getting themselves elected by registered graduates, and also from the local boards and the municipalities, their number would come down in the case of nomination. But I assume that all those seats may not come to their lot by election, and that they would require the fullest representation on a nominated basis, still, leaving aside the seats, reserved for people holding academic qualifications, which is a *sine qua non* for the existence of the University, 20 seats are more than they can actually demand by reason of their population. Therefore, if my honourable friend from Ahmedabad is willing to allot 30 seats for nomination, I think, Sir, that is all that is required for the purpose.

We have been told that the depressed classes also require nomination. But I have included the depressed classes, so far as the Central and Southern Divisions are concerned, among the Mahrattas; they are backward communities and the depressed classes also are now included in the backward communities. Having disposed of these two points with regard to the representation of communities, I now come to the general point.

My contention is that in India you find nominations and Government patronage filtering down from the Legislative Council and members of the Executive Council down to the smallest body, namely, the village panchayat.

The Honourable Sir GHULAM HUSSAIN: Again, that is a mis-statement. There is no nomination in panchayats.

Mr. N. A. BECHAR: Sir, in the municipalities, district local boards, taluka local boards, and other bodies, there is nomination by Government. If there is no provision for Government nomination on the village panchayat, it is very good of the Government indeed.

Now, Sir, my contention is that the system of nomination is very demoralising, and the more you try to give representation by a system of nomination, the more you demoralise the people and come in the way of their coming into their own, because it is my firm belief that unless and until a man makes an effort to come into his own by the dint of his own ability, mere patronage can never make any community great. Therefore, I am entirely against the system of nomination, but my greatest objection is with regard to the political conditions. In the report on Reforms which the late Mr. Montagu and Lord Chelmsford made for submission to the British Parliament they have made the point very clear, and it has been incorporated in the constitution, which is known as the Curtis Diarchy scheme. Now, according to diarchy, certain departments have been transferred to the Ministers, who are responsible to the people of the presidency, who elect the members of



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the Legislative Council. Now, Sir, what do we find? Is there any element of responsibility? Sir, my greatest complaint is that the Government has really not entered into the spirit of the Reforms.

The Honourable the PRESIDENT: Order, order. I think this is digressing into a very different question.

Mr. N. A. BECHAR: Sir, let me submit to you that you have allowed the previous speakers to go into questions and matters strictly extraneous to the discussion under this clause, and I take my stand upon that. I wanted to say that unless and until the Government say "Hands off the transferred departments; let the people's representatives manage these departments; give us an opportunity to adjust our differences and difficulties in our own way," I fail to see that there is any prospect of real advancement.

The Honourable Sir GHULAM HUSSAIN: Hear, hear.

Mr. N. A. BECHAR: The Honourable Minister for Local Self-government says, hear, hear. I echo his sentiment only to the extent that my appeal to the Government is, if they are sincere in transferring control by instalments to the people of India, they should not actively meddle in the transferred departments which they claim to have transferred, in the manner in which they are doing. I see that the Government is not anxious and willing to transfer the control even in matters of education and other departments. Sir, I appeal to them, if they have any vision of the future of India, that they should with the greatest delight and good-will tell the people to manage themselves into parties and that the Government should not shift the forces by combinations with one or the other party and play the role of a dictator. But that unfortunately is the position which Government has assumed even in matters of transferred departments such as education. Therefore, I do not think that there will be any real training in the art of responsible government, for which we have been asked to take training under their hands. That is the position which I wanted to place before the House, and it is no use saying to the people of India "Because of your caste and religious differences, it is necessary for you to have a guiding". I appeal to them in the words of Lord Durham who made the greatest charter for the freedom of Canada, I appeal to them in the name of Sir Henry Campbell Bannerman who made the greatest charter of freedom for South Africa. All these differences did exist in those places; there were the French people in Canada, there were the English people in Canada; there were religious differences; they were at loggerheads, and they were trying to cut each other's throats. Lord Durham said "Unless and until you give them power to carry on their own administration, and make them feel that it will affect the welfare and interest of Canada, the people will fail to realise what is good and what is bad for them."

The Honourable the PRESIDENT: I would again request the honourable member to limit his remarks to the subject before the House.

Mr. N. A. BECHAR : Sir, I will now conclude, since I find that it is not possible for me, within the limited scope of discussion, to speak on this matter. My only feeling is that in matters of education and in matters of local self-government official members should really not participate in the voting.

An Honourable MEMBER : Is it relevant, Sir ?

The Honourable the PRESIDENT : It is not relevant.

Mr. N. A. BECHAR : You are deciding by voting.....

The Honourable the PRESIDENT : Order, order. I call that irrelevant.

Mr. N. A. BECHAR : If you call that irrelevant, I will simply sit down.

An Honourable MEMBER : Sir, I move a closure.

The Honourable the PRESIDENT : I accept the closure.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I was very much surprised to hear some arguments from the honourable members who opposed this amendment and the foremost among the opponents was the Honourable the Minister of Local Self-Government.

The Honourable Sir GHULAM HUSSAIN : Not a word did I say about it. I only disabused his mind of certain wrong impressions.

Mr. J. C. SWAMINARAYAN : The Honourable the Minister of Local Self-Government at least spoke in favour of nomination.

The Honourable Sir GHULAM HUSSAIN : I only brought to your notice, Sir, some illustrious persons who were nominated.

Mr. J. C. SWAMINARAYAN : He gave illustrations of the Honourable Mr. Patel, Gokhale.....

The Honourable Sir GHULAM HUSSAIN : Also an illustrious member of my own community—Sir Ibrahim.

Mr. J. C. SWAMINARAYAN : The Honourable Mr. Patel and Gokhale were not so eminent when they were nominated as they became afterwards.

The Honourable the PRESIDENT : Order, order. The issue before the House is not as to whether the Honourable Mr. Patel and Gokhale rose to eminence through nomination or not. That was merely referred to by way of an example by the Honourable the Minister of Local Self-Government and it should be left there.

Mr. J. C. SWAMINARAYAN : I merely wanted to say that they rose to eminence after seeking the suffrage of the people.

This method of nomination has got the most demoralising effect. The Honourable Minister for Local Self-Government referred to the number of applications received for nomination. I think people that apply for nomination are toadies and sycophants.

The Honourable Sir GHULAM HUSSAIN : Some of the applications are from the people of the advanced classes.

Mr. J. C. SWAMINARAYAN : I do not mean to say that there are no sycophants in the advanced classes. Even in the advanced classes there are a number of sycophants.

The Honourable the PRESIDENT : The debate is drifting.

Mr. J. C. SWAMINARAYAN : Then the honourable member Mr. Bole made a reference to my failure in the municipal elections and made an insinuation that I would perhaps seek membership through the door of nomination. I certainly repudiate that insinuation. I never entertained any idea of entering through nomination. While I was coming into the Hall it was suggested by some persons that I would be nominated even without my asking for it. (Honourable members : Question.) If even without my consent my name appears in the gazette as having been nominated I would refuse the offer.

The Honourable Sir GHULAM HUSSAIN : Nobody is going to make the offer.

Mr. J. C. SWAMINARAYAN : I do not want it. I would never apply for it.

The Honourable the PRESIDENT : All these remarks are irrelevant. Let the honourable member proceed with the amendment before the House.

Mr. J. C. SWAMINARAYAN : The honourable member Mr. Oliveira said that because there is nomination people belonging to different communities make their voice felt. There ought not to be such patronage through nomination. People should come up by their own capacity, by the power inherent in them and the power they possess. The honourable member Mr. Bechar has already pointed out how the whole constitution becomes an official constitution through direct nomination by Government. Nearly 50 per cent. of the total become officials. In the guise of democracy, the university senate will become a Government department as it was in former days. Really speaking the constitution will be autocratic in the garb of democracy. I strongly urge that the nominated members should be reduced from 40 to 30.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose the amendment. I am not prepared to reduce the number which is at present in the bill to any figure less than 40. In the present constitution of the senate the nomination is four-fifths. In the present bill it has been reduced to about one-fourth. We cannot all at once make the senate a thoroughly elective body, because there are certain gentlemen, who possess as much self-respect and honour as those who spoke against nomination and who do not wish to wade through the troubles and worries of elections. In order to bring in such men it is necessary at this stage to keep a certain number of nominated seats and the number 40 cannot possibly be reduced.

Question put and lost.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I beg to move -

" In section 13 (1) II (B) change the figure 40 into 50. "

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The sea is sometimes known to throw up its dead and is also known to yield up sometimes its secrets. The passage of this Bill is also full of mystery and secrecy. One secret was let known by the honourable member, Mr. J. C. Swaminarayan, to this honourable House regarding the attitude in this bill of the Honourable Minister for Education. He said that this bill was based on discrimination, between the strong and the weak. I would strongly urge on the attention of the honourable the official members who will be led to vote against this amendment to kindly consider the situation that has been created by this bill. I admire the discipline—the Light Brigade spirit—of the honourable members opposite who will go into any lobby for the sake of the Minister without questioning the nature of the subject on which they are voting. But I do hope that in a matter like this at least the chief of the staff will bring to the notice of the general officer commanding as to what the situation is. I am very sorry that the chief of the general staff has not brought to the notice of the commanding officer, namely, the Leader of the House, the position in which a large body of people inhabiting this presidency will be landed, as a result of the enactment of this Bill. Sir, while admiring the discipline among the official members, I request them to pause and consider the effect of this Bill and I would therefore request them for a hearing. We have got a Government composed mostly of Indian members in this Presidency to-day. The Leader of the House Sir Chunilal is an Indian; the General Member is an Indian; the three Honourable Ministers are Indians. I expected that such a Government will not allow the introduction of the worst form of communalism into a place which was called by the Honourable Minister for Education as the shrine or the temple of learning by vesting all power in the hands of a small community and keeping out all the other communities, as this Bill does. The official votes are in the keeping of the Honourable the Leader of the House, who is rightly reputed to be a powerful man. To the entrenchment of his position, power and prestige, we can also justly claim to have contributed a little; and we did not expect that his strength would be utilized against us. I know that honourable members opposite will not go into the “Noes” lobby on this amendment, if the Leader of the House left them alone. The honourable members will be good enough to consider as to how many Mussalmans would be elected senators under the bill. In the whole of the Presidency only from the Sind Local Boards, can only one Mussalman be elected to the Senate, and, that too if all the Mussalman members of the local boards combine together and give their vote to a single person. There can be no Mussalman elected by the University teachers of Sind, because there are not enough Mussalman university teachers. As regards the 25 seats given to the graduates, not even one Mussalman will be returned, if past experience can be our guide in this matter. As regards this Council, four members are allowed to be elected to the Senate, and even these four will be elected by rotation, one member every year; so, there will generally be no opportunity for a Mussalman member being

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returned to the Senate even from this Council. I am only putting forward the case of Mussalmans. There are honourable members representing other communities and other interests who will put forward their case; I am simply putting forward our position under the bill as it affects the Mussalmans. Is it fair that the Mussalman community with its vast numbers in this Presidency, with also a culture of its own, should have only one representative in the Senate of the University, which is to be a shrine of learning of the creation of the Honourable Minister? We are told, Sir, that we are fighting for communalism. Now, may I ask who started communalism? The University Reform Committee's report says that the Anjuman-i-Islam of Bombay should be given representation; but the Honourable Minister for Education has taken that out. The University Committee also recommended that other bodies representing the non-Brahmins and other interests should be given representation on the Senate; they have also been taken out. It is the Honourable Minister who took them all out. In all seriousness I ask who started this communalism? We have not started it. It is the Honourable Minister who started it, by creating University constituencies in such a manner as to have the effect of keeping out Mussalmans and other educationally backward communities, who are anxious to send qualified representatives to the Senate if they were given the chance to do so. The honourable member from Ahmedabad said, that this bill is based on discrimination between the strong and the weak. The attempt of the other side is for the usurpation of power in the University; the attempt on this side is for self-preservation. An attempt for self-preservation cannot be called communalism. Usurpation of power for a small community is certainly communalism. It has been argued that Parsis do not want any representation and they have generally been returned by advanced Hindus to Councils. Those who talk of Parsis coming by election forget the virileness of that community; they forget that by reason of their superior economic position and by reason of their vast charities and benefits to the city of Bombay, they wield great influence in that city. I am sorry the honourable member for Karachi who contested a seat with a Parsi in his constituency and defeated the Parsi should have come forward to talk of the Parsis being returned by Hindus. ....

Mr. N. A. BECHAR : Sir, I stood for Labour and I got my seat on that principle. All the other candidates were defeated because of that.

Mr. NOOR MAHOMED : Sir, even Labour is not devoid of religion. Honourable members who talk of nationalism should not quote very often the case of Parsis. For instance the honourable member Dr. Gilder, a Parsi, sitting opposite me wields a tremendous amount of influence on account of the great good he does as a doctor. If he had not been doing that good, and had not the power and prestige of his community in the town of Bombay behind him, the cry of religion would certainly have prevailed. The Parsis do not succeed anywhere except Bombay and their position at Bombay is exceptional. Therefore, the case of Parsis of the

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town of Bombay should not be flung in our face, in season and out of season. The advanced Hindus cannot help the entry of Parsis at Bombay and not that they love it or want it. Sir, in asking for a share of representation on the board of the University we are not fighting for loaves and fishes, for the University has none to distribute. We are not scrambling here, like children, for sweetmeats. We are not quarrelling here for deputy collectorships, mukhtiarkarships or head murshiships. The University has none of it. The fight here is on a higher principle. We want to see that our culture is not destroyed by the University of Bombay in the manner it has been doing till now. I will in this connection refer you to the minute of two eminent Mussalmans, Sir Fazulbhoy Currimbhoy and Mr. Mirza Ali Mahomed. What do they say of the University as it affects us? At page 175 both these gentlemen say :

"The Bombay University is an Eastern University and I think it is its first duty to preserve the languages, culture and learning of the East. The University has now been in existence for nearly 70 years and the methods employed have failed to foster, encourage and preserve the Islamic languages, civilization and culture. The study of Arabic is dead; that of Persian is fast dying and the University having recently decided that a vernacular may be taken as a subject of study instead of a classical language at the school leaving examination, the study of the classical languages of the East will be seriously affected."

Then Sir, they go on to say :

"[We] disagree with the recommendation of the Committee against Women's College. If the recommendation of the Committee has any meaning it must go to the length of requiring that no Women's College shall be affiliated to this University, however well-equipped or well staffed the College may be. No question of co-education can arise so far as Muslims are concerned. I think it is wrong to call upon the Muslim community to give up *pardah* if they desire to get the benefit of higher education."

This is the attitude which the University has adopted towards the education of our girls. What is the effect of this policy of the University on the Muslims in Sind? If a word of Sindhi language is derived from Persian or Arabic it is taken away from the text books. The honourable members sitting opposite can understand the nature of this heinous attempt if the English words derived from Latin are taken away from the text books and dictionaries; and that is what is actually being done through the agency of the Bombay University. Books are prescribed that contain the least number of words derived from Persian and Arabic and yet we had no control in the past and are to have none in future in the matter of prescribing books, in the working of the University. This is a matter, Sir, about which we feel strongly and we really want that there should be representatives from our community on the University to protect our culture, our studies. After all, Persian and Arabic are classical languages and they constitute an important branch of learning. The Honourable Minister for Education has done nothing to give representation to these branches of learning. You would, therefore, see that the Honourable Minister has done us the greatest possible injustice and harm. Now, there are only 40 seats given to the Chancellor for nomination; and there are the depressed classes who have had no voice in the University, there are my honourable friends, the non-Brahmins, there is the Labour, all clamouring for representation and only 40 seats

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are available to go round. Nobody is going to be satisfied with that small number. Are we not, with the culture behind us, justified in asking for proper representation on the University? If we have no right, let the Honourable Minister say so. Let them search their hearts and say whether they do not feel that what we ask for is right and proper.

A report has been circulated abroad that the non-Brahmins and we have made a common cause to oust the Minister. Let me take this opportunity of saying that there is absolutely no truth in that. Certainly we do not approve of the policy of the Honourable Minister for Education. We completely disagree with it. It is ruinous for us, and for all educationally backward communities; but there will be no under-hand bowling by us or from us. We are fighting a straight and clean fight; and we expect the Honourable Minister to be as open and frank as we are. The painful part of the whole business is that we are in a minority in Bombay Presidency. It is painful for us to feel that we cannot rely on the Minister for giving us legitimate protection. You will be surprised to know that seven months ago a report was sent out, just as the one now sent out on the working of the present Council; and it was to this effect:

"As an independent member remarked, it would be the easiest thing to throw out the present Ministers.

Mr. B. G. PAHALAJANI: Is it relevant to the discussion?

The Honourable the PRESIDENT: I have not yet heard him.

Mr. NOOR MAHOMED: The report proceeds:

"It may now be safely stated that the most responsible and patriotic members have decided to retain the deciding power in their hands, but to exercise it not rashly, but by guiding and controlling the policies of the Ministers. How far they succeed the future alone can tell."

This was nearly seven months ago, published by the political correspondent of the *Bombay Chronicle* in its issue of 11th March 1927; and the report has come true. Responsible and patriotic members are indeed controlling the policy of the Minister!

Mr. W. S. MUKADAM: I rise to a point of order. I should like to know whether newspaper quotations are allowed during debate.

The Honourable the PRESIDENT: No. They are not usual.

Mr. NOOR MAHOMED: Yesterday evening you saw, Sir, that we have to deal with not one Education Minister but with many Ministers. If we have one Education Minister we can please him, but we cannot please 13 Education Ministers.

Question proposed.

Mr. B. V. JADHAV (Satara District): Sir, I rise to support the amendment. The charge is usually made against my honourable friends the Musalmans and the party to which I belong that we are very communal in our feelings and that we are asking for communal representation and communal advantages. My friend the honourable mover of this amendment has made his reply as to the charges brought against his community. I have, Sir, to-day a painful duty to discharge by showing

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to the House how the non-Brahmins are falsely charged with communal spirit and caring for communal interests. The non-Brahmin party, Sir, came into existence to protest against the communalist spirit of the advanced community.....

The Honourable the PRESIDENT : Order, order. I would allow the communal spirit to be exhibited on this amendment to the extent as to how communal spirit is necessary to obtain a voice in the University and not the history of some parties which showed communalism or not.

Mr. B. V. JADHAV : I had no intention, Sir, to give a history of the whole movement. But I wanted to show that the charges laid against us are not proved by actual facts. We had to form a party to protest against the spirit of communalism which was pervading the advanced communities and who have all along tried to exclude us to preserve their monopoly.

The Honourable the PRESIDENT : But that is not the point at issue, though.

Mr. B. V. JADHAV : As a matter of fact, Sir, although this bill is a very liberal bill and has provided for an extended Senate, a cursory examination of the way in which seats are provided through various electorates will show that none of the communities which are usually termed or classed as backward have got any fair chance of being elected. My honourable friend from Sind has shown that there is barely a chance for one Mahomedan to get into the Senate from the district local boards of Sind. From the three divisions, the Bombay Division, the Central Division and the Southern Division in which this Brahmin, non-Brahmin question prevails, I am very sorry to observe, Sir, that the communities are so very disorganised and the interests of the advanced communities are so very strong that it will hardly be possible for the backward communities to return even a single member from these three constituencies. We cannot even hope to get a seat in any other way. The town municipalities are entirely disenfranchised. Provision has been made that only the city municipalities should have a voice, and I need hardly say, Sir, that in the city municipalities the non-Brahmin communities or the backward communities have no chance. (Rao Bahadur R. R. Kale : Question.) It may be a "question" to the honourable member Rao Bahadur Kale or to my honourable friend from Sind. But it is a fact, and facts cannot be denied. I would ask my honourable friend that he should wait for a few days, till this new Act comes into force and the elections take place, and see. And I shall be really very glad if my prognostications are falsified. But I am quite convinced that hardly a member will be returned from the city municipalities. Then, under those circumstances, Sir, there is no chance for the backward communities, and although the door of nomination is open to us, one can easily see what little advantages the backward communities have derived up to this time. Before 1924, Sir, there was hardly any member in the Senate representing the Hindu backward community, and in nine months from January 1927 up to now,—I am speaking subject to correction,—



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I doubt whether even a single member has been nominated. I for myself have very little faith in the efficacy of nomination, but there is some chance. There are a few members in the Senate simply on account of the powers that are reserved to the Chancellor for nomination, and, therefore, I am claiming, Sir, that the number 40 should be raised to 50 in order to give the backward communities a better chance. It might be argued by the Honourable Minister, Sir, that as practically all the principals will now be provided with seats on the Senate and for that very purpose ten additional seats have been given to University teachers and professors, so ten seats from among the nominated members will be released, which would in the ordinary course have gone to the principals, and those ten seats will be made available to candidates of the backward communities. When this sort of argument was put forward in this House, I raised my protest that the Honourable Minister was seeking to do indirectly which he failed to do directly. On the present occasion, I have to make the same protest. He may try to show that the number of nominated members is substantially raised from 40 to 50 as 10 more seats will be released for backward communities. But I think he would have done it more honestly if he had increased the number from 40 to 50 and reserved 10 places for his principals,—principals of colleges. But he had not the courage to do so, and I shall say even on that occasion I was not convinced by his argument and I am afraid I shall not be convinced if that argument is trotted out again. The number 40, Sir, is very inadequate taking into consideration the vast increase in the numbers of the advanced communities that will be brought into the Senate. In order to give an adequate share to the backward communities and to the Mussalmans, it is necessary that the number of men who can enter into the portals of the University should be increased, that is, the door of nomination should be widened a little, and I therefore claim, Sir, that the number should be raised to 50. I, therefore, support this amendment.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President, I rise to support the amendment which has been moved by my honourable friend Mr. Noor Mahomed for the increase of nominated members from 40 to 50. I must confess that I have some sympathy for the contention of persons like my honourable friend Professor Swaminarayan, who are altogether opposed to the principle of nomination, and who maintain that if the little finger of nomination be let in, the whole monster, horns and tails and all, will be let in. But, Sir, I have no patience with people like Mr. Munshi, honourable member for the University, who have no objection, in principle to nomination, and who indeed prefer it to election as was observed in the instance of the Vice-Chancellor. These gentlemen have conceded the necessity for the reservation of as many as forty seats by nomination for Muslims and the backward classes and yet the proposal merely for a slight increase in them suddenly reminds them that nomination is communalism and they must fight against it. Swallowing a camel and straining at gnats. They pretend to discover that the backward classes and the Mahomedans as such must not have any voice in

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the management of the University. Sir, these are venerable arguments which have been invariably used by persons like Mr. Munshi. What are the grounds of their objection? First, they argue that the problem of the University or of higher education is not a political problem and therefore political considerations should not be imported into it. I maintain, Sir, that the problem of higher education in India has become a political problem. Is it not a fact that communities which were politically insignificant in pre-British period have, owing to higher education alone, acquired a predominant place in the political situation of the present day? On the other hand can it be denied that Moslems and other martial races who were rulers before the British, have, owing to lack of higher education alone, fallen from their position and been reduced to insignificance? In order to prove my contention I shall quote the opinion of the Sadler Commission, which is the highest and the latest authority upon the subject, which, moreover, had as one of its members the most distinguished Hindu scholar and patriot, Sir Ashtosh Mukerjee, the Vice-Chancellor of the Calcutta University. In the chapter on "Government and the Universities" page 251, the Commission says:—

"We have felt that the system of university training in India, deeply affected as it is, and always has been, by the movements and thought and the methods of teaching and study prevalent in Britain, cannot be adequately re-constituted unless those who are responsible for its re-constitution hold in mind the whole organised movement of ideas, the whole organisation of learning and study, in the great complex of varied nations of which India is a part. Ultimately like all educational problems, ours is a political problem, and among the highest of political problems; and being called upon to discuss the university system of Bengal at a time when the political system of India is being re-shaped..... We have felt that we could not deal adequately with our theme unless we envisaged it in the light of these momentous happenings."

The second objection is that there is nothing in the affairs of the University which requires safeguarding of communal interest. I maintain there is. Ninety per cent. of the pupils would not care to go to the University if the highest and lowest posts in Government service were not dependent upon University tests and if admission into learned professions did not require its degrees. Even admitting that all examinations are impartially conducted who can say that the members of the backward classes in the syndicate will not be able to suggest means for their advancement or point out defects which hamper their progress? Here also I shall quote the opinion of the Sadler Commission. They have devoted a special chapter to the special educational needs of the Mussalmans. In which they say:—

"We appreciate the truth of the statement which we have quoted from the Fifth Quinquennial Review of Education in Bengal that, until the Mussalmans, are educated sufficiently to be able to take an interest in the affairs of public life, it is difficult to conceive of Bengal as a part of a self-governing dominion within the British Empire; and we accept the corollary namely, that the only possible way in which these people can be made to realise their privileges and responsibilities, as citizens of the British Empire, is by giving them effective access to every grade of modern education..... The problem involved in the education of Mussalmans has been, and still is, a cause of serious perplexity to the Government of India and the local Government..... We have sought to safeguard the Muslim position all along the line. In the constitution which we have proposed for the re-organised university we have provided for the inclusion in the Senate of the representatives of Registered Muslim graduates as also of the representatives of the Muslim community and we have also suggested that the Chancellor should have power to nominate a certain number of members of representatives of particular communities not adequately represented. In designing

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the Syndicate we have provided that out of 17 members 3 at least must always be Mussalmans."

Further in order to ensure the safeguards provided for the minorities, they give the following powers to the Chancellor :—

"In our view it is the principle duty of the Chancellor to act as an impartial judge between the various interests and communities which must be represented in the university, and to ensure that none of them has reasonable ground of complaint."

Lastly, they say :—

"But there remains yet another function, more general and more difficult to define in exact terms, which it, nevertheless, seems to us essential, that the Chancellor should undertake, in a university embodying so many and such diverse and possibly conflicting interests as the re-constituted Calcutta University. If any college, or community, or any special interest in the university thinks it has been denied equal opportunities, there ought to be a right of appeal and we therefore propose that in such a case the aggrieved body should have the right of formally approaching the Chancellor with a petition that an enquiry should be held and that the Chancellor should, if in his judgment, there is *prima facie* case for enquiry, he should do so. We hope and believe that this power of appeal to the Chancellor would rarely be used or need be used, but its very existence would be a safeguard against possible dangers and, give re-assurance to some timid elements."

These are the opinions of the highest authority, and none but those actuated by religious bigotry or political jealousy would say that communities have no need to be specially represented on the senate. The case is very strong in the case of my community. The Mussalmans of India have a culture of their own; and a civilization of their own. They have their own languages; their own medicine and music; their own architecture and their own history. Therefore, Sir, they require due share in the management of the university where all these might be developed for the good of the country. The Muslims are not against the system of election, but the bill does not provide any constituency by which they could be safely returned. Representation by election has been denied to them. In the "revealed book," the report of the Reform Committee, there was a provision for the direct representation of Mahomedans by election. *viz.*, through Anjuman-i-Islam of Bombay. The Minister, has set it aside. I want to ask him whether he does or does not think that the Mahomedan community and other minorities should be represented on the senate. At one time he says 40 seats are reserved for them by nomination; at another time, as for instance in reply to Mr. Swaminarayan, he says they are reserved for the purpose of getting in distinguished persons of all kinds. This brings me to the consideration of the question, *viz.* Why should the constitution of the university be at all changed? It is given out that it should be changed because that body has to be democratised. How are you going to democratise? Is it by allowing the advanced classes to retain the monopoly of university affairs, which they had in their own hands for the last 70 years? If so, I do not see that this Bill will do any good to the backward classes the Marathas or the Mahomedans and it is futile for them to move amendments. Democratisation must mean that equal chances should be given to all the communities not only to pass examinations or to get admission into the portals of the university but also for the management of the university affairs. As there is no chance for us to get admission through election to the senate, the only chance for us lies in nomination.

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But whatever the method of representation is to be given to Moslems it should be adequate and effective. Sir, even if 40 seats were given to the Mahomedans or to the Marathas, the advanced classes will not lose anything. Even then they will be in a strong majority in the University and easily maintain their own position. With their knowledge, with their experience, with their start of 70 years, they need not be afraid of any harm if due share in the government of the university is given to the minorities.

Sir, let me turn for a minute to another matter. A highly controversial measure like this ought to have been decided by the consensus of opinion of all parties. But my honourable friend the Minister has never been so kind as to consult me or any Muhammadan representative here upon this question. I do not know what he has been doing behind the *purdah*, but I know this of late.

The Honourable Dewan Bahadur HARILAL D. DESAI : I might inform the honourable member that I do not keep the *purdah*; anybody could approach me.

MOULVI RAFIUDDIN AHMAD : I did not say that the Honourable Minister refused to see any one. I said he did not take any Moslem into his confidence (interruptions).

The Honourable the PRESIDENT : Order, order.

MOULVI RAFIUDDIN AHMAD : In the last 2 or 3 days I understand the Honourable Minister has succeeded in teaming the shrew of Swarajists by her own tactics. He can do nothing without keeping her in good humour. But in order to be in good humour, she insists upon the Minister and the Government being in bad humour with the Muhammadan and backward communities. In accepting that condition, the Honourable Minister has defied the Moslems and turned a deaf ear to all their amendments. I am very sorry that diarchy has been exhibited in its worst form in the regime of the present Minister. I cannot help remarking that on such occasions we feel how injurious it is that the best of our intellects should prefer to go to the reserved side of the administration. If the bill had been in the hands of the Honourable the Leader of the House, we should have had for the cure of our educational ills the prescription of a great physician instead of the pill of the advertising quack that we have at present. I am very sorry to observe that the Honourable Minister is not competent to deal with such a bill. He is not an educationist neither has he had any experience of University affairs. He was never even fortunate enough to be nominated as a member of the Senate. It is a misfortune that this bill, instead of coming into the hands of a great scholar like Dr. Paranjpye, has come into the hands of a Minister who has no original ideas or a policy of his own.

Mr. A. D. SHETH : You ought to have been there; that would have been better.

MOULVI RAFIUDDIN AHMAD : I have said what I thought and felt. I do believe that Government do not like any communities

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to be dissatisfied. But dissatisfaction is there and will assert itself. Sir, nothing is settled which is settled wrong, and you are settling this bill on wrong lines.

But we have a very disagreeable instance in this House of suspicion regarding the conduct of the present Syndicate. The other day, when I supported the motion that Government grants to colleges should be directly distributed by the Syndicate, up against me rose the representative of the University and Honourable Members Mr. Pahalajani and Mr. Jairamdas. They said, human nature being what it is members of the Syndicate would not be able impartially to deal with colleges because of their mutual jealousies, and at last carried the motion that money should always be directly distributed to the colleges by Government. If such is the apprehension entertained by members of this Council belonging to the advanced classes with regard to the honesty of the most gifted sons of the University, is it unreasonable in the Mahomedans to fear that their interests would suffer at the hands of the advanced classes in the Senate and the Syndicate? Let me give you the most recent instance. Hitherto, one Mahomedan senator was elected by the Senate to the Syndicate in addition to one from the Law Faculty. It was Mr. Mirza. At the last election, he was thrown out. There were four seats, for which two Moslems, two Europeans, two Parsis and two Hindus stood as candidates. Two Hindus and two Parsis got in. There is no cumulative voting. Moslem candidates mostly received Moslem votes, and the Europeans those of the Europeans. It is futile to argue that communal considerations do not enter into University elections, or for that matter into any elections. There are the backward classes, the Labour classes, the Jews, the Indian Christians, the Anglo-Indians, and so many other classes. Will it be possible to provide for all of them by these forty seats? I say, even if there were fifty seats, it would be difficult for them to be properly and adequately represented. It is a matter of life and death for the Moslems that they should be adequately and effectively represented both on the Senate and the Syndicate. In my speech on the first reading of the Bill, I pointed out how favouritism and communalism was introduced in English education by Government and how we were left behind; how Government established a Sanskrit College for the Brahmins and no Arabic College for the Moslems; how special facilities were given to Brahmins and how the backward classes and the Mahomedans were entirely neglected. Government now realises how our backwardness has become a source of trouble both politically and economically, and from the point of view of appointments and patronage. If our position in the government of the University is satisfactorily secured, it will automatically settle all other questions.

Now this bill is before the House. It is not always that such a bill is on the anvil. It will affect future generations. It will affect the political, the economic and the social side of the Mahomedan community and of the Mahrattas, and, therefore, I appeal not so much to the Honourable Minister, because he has made a new alliance and given a deaf ear to our appeals, but to other Members of Government and to such Members of

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the House as are not carried away by party passion, because not a single amendment is accepted. We have set forth our demands, and unless they are satisfied now, the bill will have to be altered again and again until the law gives reasonable facilities to all the minorities. My honourable friend Mr. Mansuri has been giving out that he will organise a party and beat the Moslems and the Mahrattas in the game of communalism. I admit he has done so with a vengeance.

Now, Sir, I do not wish to take up any more time of the House. I appeal to Government once more not to be carried away by the exigencies of the moment, but to do their duty towards us. The educational problem is at the root of all our troubles. It requires a statesmanlike solution. The Leader of the House can, if he likes, give the right lead. The Honourable Minister has rejected every amendment and is determined to carry the bill through without a single alteration.

Sir, I support the amendment which has been moved by my honourable friend, Mr. Noor Mahomed.

Mr. J. B. PETIT (Bombay Millowners' Association) : Sir, I am neither a Hindu nor a Muhammadan, and can therefore claim to speak with a certain degree of impartiality on this important question. It is but right and proper that both the Muhammadan community and the non-Brahmin sections of the people should claim on the Senate of the University a representation commensurate with their importance and numbers in the presidency. But, Sir, the point of view that we have got to consider is not merely that certain sections of the people should be represented on the Senate of the University compatibly with their numbers, but also with their educational status and cultural attainments. When this question is considered from that stand-point, I think this House will not find it difficult to come to the conclusion that sufficient power has been kept in the provisions before us for the proper representation of both these classes on the Senate of the University.

You will find, Sir, that the number of nominated members provided for in the bill comes to as much as 27 per cent. of the total strength of the senate. Let us pause for a moment and consider who are going to be the nominees of Government on the senate. It is very largely those very people who will find it difficult to come into the senate through the other channels provided for in the bill before us. I have no doubt in my mind that in making nominations, an attempt will invariably be made to supply the deficiencies of the elections ; and the Mahomedan community, the non-Brahmin sections, the interests of Labour and the like, will form the bulk of the nominations, commensurate with their importance, numbers and educational attainments in the presidency. But, Sir, when even that point is considered, I am not convinced that the Mahomedans and non-Brahmin classes will find it impossible to come through the other channels which are provided for in the bill, as for instance, through the city municipalities and district local boards. I am assured by those who are closely connected with these bodies, that both the Mahomedans and the non-Brahmins will find it easy to be represented on the senate now and again through these constituencies. Even

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assuming for argument's sake that they will not be continuously and regularly represented through these channels, I venture to think that they will be almost surely represented through the channel of nomination. It is particularly with such an end in view that the number of nominated seats has been purposely fixed at such a high figure as 40. Those members of the select committee who are here will remember that there was a strong feeling among a large and important section of the members of the select committee that the number of nominated seats should be substantially reduced. A similar feeling was also given expression to in this House and it was very properly turned down, as it was rejected in the select Committee, because attention has to be paid to the legitimate claims and importance of the Mahomedan community, the non-Brahmin classes and similar other sections of the public. When so much has been done, I do not think it is right or fair of them to ask this honourable House to extend that limit and add to the number of seats beyond the figure which has been very properly and rightly fixed at 40, after a full and comprehensive consideration of all the important issues and interests connected therewith. I venture to think that the number is proper and adequate. To add to it, will be to reduce the solidarity of an elected senate. While, therefore, I sympathise with the very legitimate aspirations of both the communities to which expression has been given in this House, I do not think that they have made out a case for increasing the number of nominated seats. I have no doubt that whatever claims they have and whatever case they have made out will be fairly represented on the senate through the instrumentality of nomination for which the figure has been purposely fixed at 40 for their benefit. Under these circumstances, I hope the House will reject this amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I oppose this amendment. I do not understand why the backward classes and the Mahomedans should be brought into the argument. The fellows are to be nominated by the Chancellor who is the head of the administration. What I mean to say is that these nominated members will not be representatives of the various communities but they will represent Government. I do not know how the non-Brahmin and Mahomedan members feel that their interests would be safeguarded by raising the number of nominated seats. People who will be nominated by Government will help, watch and safeguard the interests of Government.

Rao Saheb D. R. PATIL : What are the interests of Government ?

Mr. N. A. BECHAR : Political.

Mr. J. C. SWAMINARAYAN : Therefore they have committed a great error in imagining that their interests will be safe in the hands of Government. I do not think that the principle of nomination should be introduced in the bill, because this principle was introduced in the old bill—80 per cent. of the fellows were nominated. That number has now been reduced to 40. I would like to see that the whole of it is removed. Rather than that it was decided that the nomination should not be reduced. Therefore let it remain at the figure 40 but on no account it

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should be increased beyond the figure that has been put down in the bill. Therefore I oppose the amendment which seeks to raise the number of nominated seats.

Rao Saheb D. R. PATIL (East Khandesh District): Sir, I had no mind to speak on this amendment. But after listening to the remarks of my honourable friend from Bombay that, looking to the number of non-Brahmins, they will surely get themselves elected through local boards and that therefore there was no necessity to increase the number of seats, I feel I should enlighten him on those points. I do not know whether he has any knowledge of the local boards, and whether he knows the existing state of affairs in the local boards. He has no statistics before him to come to the conclusion that the nomination provided in the bill is quite adequate. He then stated that no proper case has been made out for the increase in the number of nominated seats. What are his grounds for saying so? Does he know it for certain that people from the backward classes will be returned by the district boards? He does not know. Still he has come to the conclusion that no case has been made out for the increase of nominated seats. His conclusion is no good conclusion because he has not got the materials before him enabling him to come to that conclusion.

I quite realise that if we want our men to be represented in the university they must be men of culture, that is to say, persons belonging to the intelligentsia as was stated by the Honourable Minister yesterday. I do agree with him there. But if we increase the number of nominations, Government will see that men of culture alone are nominated on the senate. I do not say that men with ploughs in their hands should be nominated. I never meant that. Agriculturists would not care to be on the senate. When I say that there ought to be adequate representation I mean that competent men out of the backward classes should be nominated by Government. Let there be no doubt or fear in the mind of the Honourable Minister that there will not be a sufficient number of men belonging to intelligentsia in the backward communities fit to represent them in the temple of learning. We want only competent men. In the interest of the backward communities the nomination should be increased. As was observed by one honourable member there will be applications for being nominated from different communities. Government must make provision for all these communities. So far as even higher education goes, there will not be any difficulty in finding a sufficient number of men from among the backward classes to be nominated to the senate. As higher education is making good progress now, there will not be the least difficulty in finding competent men. In order to satisfy the minorities the number of nominated seats should be increased. I do not see the least reason why this amendment should not be accepted. My fear is that the Honourable Minister will be firm as a rock. He will not move an inch. I know my cry is in the wilderness. At the same time I must advocate the cause of justice and I advocate it and resume my seat.



Dr. P. G. SOLANKI : Sir, I rise to support the amendment moved by the honourable member Mr. Noor Mahomed. I fully go with him when he is asking for raising the number of nominated seats from 40 to 50. I come to represent those classes which have no voice at all in the Senate or any other public bodies. It is through nomination that my honourable friend Dr. Ambedkar and myself have been able to come here and voice the feelings of the dumb millions behind us weltering in ignorance and suffering. I do not understand why there should be a hue and cry from the opposite benches—the elected members and non-official members most orthodox Hindus—who have got only lip sympathy with the backward and the depressed classes, and who in season and out of season, whenever they have to harangue crowds from public platforms to please Government, say that they have the interests of the backward and the depressed classes at heart and that as Hindus their interests are always identical with the interests of the backward and the depressed classes of the Hindu community. Here, in the speeches made by them during the last three or four days, nothing has been said about safeguarding the interests of the backward and the depressed classes, by members belonging to the advanced and higher classes. It is only members of the backward classes who are labouring hard and endeavouring to safeguard the interests of the depressed classes as well as of Muhammadans and Mahrattas. Sir, in the name of justice, may I ask for fair and adequate representation of the backward and the depressed classes on the Senate? There is the plea made out by the Honourable Minister for Education that only the higher intelligentsia should be represented on the Senate. Sir, is that the plea for representation of the backward and the depressed classes, who have not yet taken the lion's share of the education which has been given by the British Government? I am sure it is the desire of the British Government to give adequate and equal justice to the depressed and the backward communities, but I am sorry to find that our own countrymen and our own co-religionists, *viz.*, orthodox and bigoted Hindus put great obstacles in the way of the Government officers: it is they who are tying down the hands of these officers. Sir, it is not the Muhammadans who are against us. I may tell frankly that the aspirations of Muhammadans and the backward and the depressed classes are the same; we are sailing in the same boat. Sir, who are our obstructionists, who are our opponents, who check and throw cold water on our aspirations, who nip in the bud the aspirations of the backward and the depressed classes? If I may be frank, it is the so-called advanced and higher classes of orthodox Hindus. I feel very sorry to say that. Whenever the question of census comes up, these classes claim the depressed classes as their own in order to strengthen their number, for political purposes. In actual practice, these depressed classes are disowned by Hindus; they are neither Muhammadans nor do they belong to other minority communities; they are Hindus to the core yet they are thrown overboard. Whenever any personal gain has to be achieved by the so-called higher classes of Hindus, these depressed classes are counted as Hindus.

Here, Sir, we are not asking for anything from any religious point of view or from the social point of view, because they may come forward and

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say Government should not interfere in our religions and social matters. The experience of the educated members of the depressed classes has been bitter. Whenever any aspiring young man seeks to enter the higher or subordinate Government services for which he is fit, the answer he receives always is : " Look here, my dear young man, the whole of Hindu community is against you. There are practical difficulties in the way." On the very floor of this Council Hall answers to my honourable friend Dr. Ambedkar from the official benches were that there were practical difficulties. Any explanation of those difficulties was withheld, but what can that explanation be ? No explanation except this, that the whole Hindu community was against us. Under these circumstances and handicapped condition, to whom are we to look for help and protection ? It is to the Government. Sir, we are invariably asked by the opposite benches how we are going to get protection from the Government or the official benches. Sir, whatever education we have received, and whatever enlightenment we have got, decidedly we have got them after the advent of the British Government and from the Government. It is the missionaries who allowed us entrance into their schools and high schools when other private schools and high schools did not allow us. Let me say it, to the credit of the missionaries and Government that it is they who, without distinction of caste, creed or religion, brought to us the torch of education and enlightenment. Here we are under the protection of the British Government, and are speaking face to face with the most orthodox and the most bigoted Hindus in this Hall and telling them that we are not going to sit quiet any more and suffer all the inequalities, oppression and injustice they have done to us for the last two thousand and five hundred years. The masses are awakened.

Mr. K. M. MUNSHI : Sir, is this in order ? We are discussing the raising of nomination from 40 to 50. Are we discussing the advantages of British rule ?

Dr. P. G. SOLANKI : Sir, we are discussing the system of nomination under British rule. This system was not in vogue in preceding rules. When one seat was asked for Labour on the senate by election we saw the whole rank and file of the opposite benches going to the division lobby against our pleadings to vote with Government against election of one labour member. There we saw the Swarajists going to the division lobby with Government simply to gain their own object, to prevent backward and depressed classes from being elected on the Senate. Sir, whenever any question of grants for educational institutions or the University or any nation-building objects come to be discussed they would fight tooth and nail against Government demand for grants and now I was surprised to find the Swarajists, the Nationalists and other'ists going to the Government lobby. I hope the Government benches will not mistake their attitude and will not be led away by their short-lived support. Their best friends are those who are toiling at the risk of their lives and at the sacrifice of their interests to serve their country and who proved faithful by their deeds to their masters.

My honourable friend Mr. Swaminarayan in moving his amendment to reduce the number of nominations from 40 to 30 expressed his view that

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only distinguished men should be nominated. Now, those distinguished persons will come from the most advanced communities and also from the English officials. The advanced communities would not have any regard for our interests. There may be a soft corner in the hearts of the Government officers for the depressed and oppressed. But let me assure the House that there is not a single soft corner in the hearts of the orthodox and bigoted Hindus. We may perhaps expect something by way of sympathy and support from the Muhammadans and we have received good treatment at the hands of the Muhammadans, indeed better treatment than what we would get from the Hindus.

Now coming to the question of minorities, they are shut out of election. Who shuts them out? It is those honourable members who are sitting on the opposite benches. It is those who strengthen the hands of Government. I do not blame the British people; I blame my own countrymen who are against the aspirations of our young men. As for the Muhammadans, they have got the best defenders. They have got Moulvi Rafiuddin and Mr. Noor Mahomed, barrister and pleader. As to the depressed classes I have narrated to you the grievances of the constituency which I represent from Gujarat. I appeal to the Leader of the House, who, I know is the great friend and champion of the depressed classes.....

An Honourable MEMBER : He is a Hindu, I believe.

Dr. P. G. SOLANKI : He may be a high class Hindu, but he is high class in his heart and noble in ideas and actions. There are honourable exceptions just as the late Sir Narayanrao Chandavarkar, Mr. Gokhale and Gandhiji, Mr. Deodhar, Dr. Paranjpye, who are all high class Hindus. We do not look upon them as our opponents but as best friends and we bow to them with respect and reverence and, Sir, we have got the greatest regard for Sir Chunilal. I would, therefore, appeal to him, and other honourable members not to come in the way of giving more seats to these minority communities, the backward and depressed classes, so that they may be adequately represented in the senate.

Mr. K. M. MUNSHI (Bombay University) : Sir, the last few speakers appeared to me, if I am to borrow the phraseology of another world, to be more or less whining at the fact that we, the members on the popular side, have chosen to support this bill; and the last speaker seems more in a mood to appeal to the Government benches saying "You are our masters; we have befriended you; why have you forgotten us?" It seems to me that we must raise the level of our discussion. Whether the senate is to have 40 members or 50 members must be judged not from any other criterion, but from the criterion of the efficiency of the university itself. Nobody says that the academicians who belong to the backward classes and the scholars who, by reason of their birth, are not in a position to get into the university by elections should not have a place in the university. Nobody is of the opinion that the backward classes and the Muhammadans should be shut out from the university. And, I thought at one moment that the phantom of communalism with regard to this question was quieted at the first

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reading of the bill and the speech which was made by my venerable friend the Registrar of the University I thought was a sufficient answer to the allegation that the university is actuated by communalism. I do not propose to go over that ground again. The whole point in issue before us, excepting the irrelevant things that have been said, is whether the nomination should be raised from 40 to 50. Now, the total strength is 144 seats and out of this number something like 10 or 11 are *ex-officio*. That leaves 133. Out of this 133 you have got 40 for nominations; and the remaining 92 include two classes: one the academicians who will be, to a large extent, controlling the academic destinies of the university and who are absolutely necessary and the other for representatives of local boards and municipalities. It is really unfair to the framers of the bill to say that they are against the ambitions and aspirations of the backward classes. These constituencies of municipalities and local boards were specially framed and in the select committee enlarged, so that persons from the backward communities may have a chance of coming in. In that connection I feel that my honourable friend Mr. Jadhav who complained about the non-Brahmins, ought not to have any grievance at all. He is unfair to his own community in that he says it is backward. In the Southern Division, the city municipalities of Belgaum, Bijapur, Dharwar, Hubli and Gadag have as a president an elected person who is a non-Brahmin. The districts boards of Belgaum, Bijapur and Dharwar have elected non-Brahmin presidents. So far as taluka local boards and town municipalities are concerned most of the presidents are non-Brahmins. They are an advanced community in that division and it is unfair to say that they are backward. The honourable member is, therefore, as I say unfair to his own community.

This clause 13 appears to me more or less in the nature of a long table spread with delicate viands and every one who is hungry wants to be there. Everybody is ready to scramble for as much as possible. I beseech this House to look at this question from the stand point of the university. If it is a question of money to be distributed or wealth to be circulated the question of Labour and Capital can come in. If it is a matter of any patronage or office the different classes may fight with one another. But, Sir, in a place where the acquisition, spread and pursuit of knowledge is the only concern, it is not only fair but just that you must have only the best academicians of the presidency. Therefore, the 40 seats reserved for nominations is quite enough, as they are to supply sufficient places for all leading academicians in the different backward communities.

But the principle, which has been put forward in connection with these nominations, to my mind is very unsound. The system of nomination is not intended for favouring one community or another. It is only intended to supply a method by which leading academicians, to whatever community they may belong, who have no chance of coming through the elections, can come in. And from that point of view I think 40 seats are quite enough. They are five more than what the

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University Reforms Committee recommended, and to that extent it is a distinct advance made by the Honourable Minister of Education towards giving further rights to the communities who expect nominations. Then, further, Sir, add to it the 15 members from the municipalities and local boards. The result is that you have got 55 for representation of the classes who do not hope to come in through elections, while the representatives of the registered graduates are only 25 ; no more. Sir, my honourable friend Mr. Swaminarayan said that ordinarily one would not find a place for nominated members on the University. But we all recognise the necessity of nominations. We all recognise that in this country, at any rate, it is necessary to have them so that certain classes who cannot be returned through election may have a place. But that does not mean that the University should be swamped by persons who are not university men, who cannot adequately and efficiently assist the work of the University.

But, Sir, to my mind, arguments of this kind do not appeal to the honourable members who have spoken for this amendment. It seems to me that their whole object is to throw all sorts of remarks at the devoted heads of the Honourable the Minister of Education and of those who have for the last three days assisted Government in carrying through the bill as accepted by the select committee. Now, Sir, the select committee, on which every shade of opinion was represented, after a careful consideration, has prepared the bill, and in any country, in any civilised country, people would be glad that in a matter of this progressive kind, where a university constitution is to be reframed, an enlightened Government and the members of the popular party are at one in seeking reform. But, Sir, different considerations have come in. And the reason is very clear. We have been taunted, we have been twitted, for following the Government in the Government lobby. Sir, it sounds like nothing but a complaint that the occupation of my honourable friends is gone. Some members seem to think that it is their prescriptive right to see wisdom in the Government measures and would deny to us the liberty of voting with Government even if Government bring in a measure which the popular party could claim as their own. It is, if I may say so, an element of Parliamentary Government that if a Minister, responsible Minister, is placed and enthroned on the official benches, and if such a Minister proposes a measure which is supported by a number of people who have assisted him in being promoted to the office, then, even if the measure of this kind is satisfactory to both the sides concerned, the Government and the popular party, the popular party should vote against it. What is surprising in it ? There is nothing in the cry that this conduct of ours is extraordinary. I say, Sir, that there is the fullest justification for me to say that in this measure the politically advanced members, people who are here as representatives of higher political opinions, are at one with the Government, and I say, Sir, that it is a proud day for the Government as well as for ourselves that we are here to see eye to eye with Government in this measure and do our best to assist it with our votes. We are here,—and when I say, Sir, “ we,” I speak

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for myself, and my friends who have not sworn to destroy all Government—I say we have been sent here by our constituencies to see that the Government is run on the most progressive and most beneficent lines, and it is our privilege, as it is the privilege of anybody on one side of the House or the other, that, when the occasion arises, we should stand up like one man and help Government, and show that “we are with you whenever you put through a measure which is in accordance with our wishes.”

One member who spoke said that he did not see behind this measure any systematic policy. Sir, the policy to any one who has eyes to see is clear enough. You have got a constitution which has been made more representative; a Senate which is more representative; a Syndicate which is more efficient; a post-graduate board which is to control the teaching activities of the University—and you have got a grant—an amendment for which is to come still, but to which His Excellency the Governor has given his sanction. In addition to it, you find a number of provisions which are all for the extension and the development of the University. At the same time, you find in it the autonomy and the independence of the University retained unimpaired as before, and you have also seen that some retrogressive measures or proposals, though they come from influential quarters have been ruthlessly suppressed out of respect for the popular wishes. What greater policy, what nobler policy, can any Government follow than that? Sir, if I was merely a person who lived and had my being as a pillar to prop up a rival Minister, if I was a petty-minded place hunter bereft of politically mindedness, anxiously watching for the fall of a Ministry, I would, with tongue in my cheek, denounce the Education Minister and say, “You have no policy; you are useless; it would have been much better if somebody other than you had been in your job.” But not having the ignominy of being such a creature, I say, Sir, there is a policy behind this measure and I say.....

Mr. NOOR MAHOMED: On a point of order, Sir. Is it relevant for an honourable member on this side who is not a Member of Government to describe what the policy of Government is? I understand the honourable member representing the University, who is not on the Government benches and who is only a representative of the University, is describing the policy of the Government as an authority on that subject. I want to know whether he is qualified to do so.

Mr. S. K. BOLE: Sir, he is trying to say what he would have said if he had been occupying the Government benches. (Laughter).

The Deputy PRESIDENT: I think there is no point of order involved in this. The honourable member may proceed.

Mr. K. M. MUNSHI: Sir, my honourable friend Mr. Noor Mahomed need not worry. He has had his say, and I know his attitude. He has described us as blindly voting with Government! I have already told you what the correct position is. I may tell my honourable friend that what he has been doing all these years for any measure whatsoever,

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we are prepared to do in connection with this beneficent measure. And we will do it not only in this measure, but in any measure where Government is prepared to fall in with the popular wishes. Sir, we have been sent here by our constituencies, not for the purpose of jeopardising the interests of our constituencies, no' for the purpose of making Government impossible, not for the purpose of playing into the hands of those who are here to hunt for their own jobs. We are here, Sir, to speak in the name of the progressive people of this presidency, and it is our right to say to the Government that "we agree with you." In spite of the taunts and jibes which we hear, it is our privilege to go into the Government lobby if Government has justified its existence by bringing forward beneficent measures and invoking the assistance of the popular side.

There is one thing more and I have done. Sir, unnecessarily the communalism has been invoked by some of the speakers in this debate. Unnecessarily the charge was brought that we are making this a communal affair. My honourable friend Mr. Noor Mahomed and others have charged the Honourable Minister with communalism. Sir, either we give up communalism and simply be politicians dealing with each other as brother to brother or, if my honourable friend wants it, we fight with each other on this question of communalism. Sir, we had had enough of this. We are quite willing to meet our Mahomedan brethren, to sit round a table and discuss all these questions and settle on what each of us wants, just as we have been doing with several others including European officers. If, however, communalism of the worst character is going to be brought in in this manner at every moment and if we are to be told "you shall do this otherwise we shall do this or that;" then I warn my friends that it will raise the spirit of communalism in us just as well as in them. Therefore, I beseech them to remember that Bombay has up to now taken pride in being non-communal. We have so far in this Council tried to keep away the most pernicious doctrine of communalism. We do not believe in communalism. Men like me do not believe in the differences of religion—men like me have ceased to have this kind of influence around us. Why should we be driven into the arms of communalism? Here we are discussing a bill which is purely non-communal in character. It is a question of the higher interests of this presidency as a whole. It is a question of the university of our presidency which is catering to the needs of every community and every race and, therefore, I ask members, even if they disagree and even if they want to have amendments moved, to refrain from making remarks which raise quite unnecessarily the monster of communalism which makes people feel that they are here not for doing their duty or for carrying on university legislation but to fight the ugly brute of communalism. Now, I have done. I oppose this amendment with all the vigour that I can command.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I must confess that I was surprised to find on the agenda paper an amendment from my friend, the honourable member Mr. Noor Mahomed, asking for the increase of the nominated strength on the Senate from 40 to 50. As the Honourable members of this House will remember, the honourable member

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Mr. Noor Mahomed had proposed a similar amendment, an amendment having the same effect, on the occasion of the first reading of the bill, and we had a number of other amendments—more than half a dozen—dealing really with the same principle which is involved in this amendment and which has been brought out in the course of the discussion. All these amendments, including the one asking for the increase of nominated members from 40 to 50, were withdrawn and withdrawn unconditionally, and in the speech which my friend the honourable member Mr. Noor Mahomed made on that occasion, this is what he said on page 836, Volume XX, Part IX, proceedings of the last session :—

“ Sir, Mussalmans and Maharattas are sometimes accused of being communalists. The way the representatives of the backward communities withdrew their amendments yesterday, I think they have shown thereby that they have higher ideals of nationalism than the honourable member Mr. Munshi who spoke so much of his ideals. His idealism is brittle. By withdrawing those amendments we have shown that we have greater regard for the university of Bombay than the gentleman who represents it and talks airily about nationalism. ”

I want to know where that nationalism has gone which was preached by the honourable member Mr. Noor Mahomed that day. Has it become brittle ? Or is it that he was talking of one kind of nationalism that day and to-day he is talking of another variety of nationalism ? I believe that it is the recent change in the situation which accounts for this change in his estimate of nationalism, but I do not want to go into that matter as I regard it as irrelevant to the discussion of the subject before the House. Sir, I believe that it is reasonable that every community, or rather every section of the people which is backward in education should have reasonable opportunities of making their voice felt in the administration of the university affairs, but I am not one of those who believe that every section of the people, whether or not it is educationally backward, but simply because its members believe in a particular religion or they are followers of a particular creed or because they have adopted a particular caste, should be represented on any body . . . . .

Mr. B. V. JADHAV : How can a caste be adopted ?

Mr. JAIRAMDAS DOULATRAM : You believe in being born in a caste, I believe in the adoption of a caste. My point is that I can understand the argument that those sections of the people which are educationally backward should be allowed some representation, but it is really a question whether the Mahomedans of the presidency proper are educationally backward. I would like to go into the figures of literacy and educational advance and show that they have made far more progress than most of the other sections of the population and that their progress in education is greater than the proportion of their population, but I do not want to go into those details. I want to contest this principle that because a section of the people follow a particular faith, it is sufficient ground for representation on the university senate. Sir, I believe that in this country we are faced with a very difficult problem. We have sections of the people following numerous faiths—we have the Jews in India, we have the Buddhists in India, we have the Sikhs in India, we have the Parsis in India and we have the Indian Christians in India, and really I believe we are driving ourselves into a very dangerous corner when we



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grant communal representation on the University Senate merely on the ground of religion. While it is true that the non-Brahmins of the Presidency proper are backward, the non-Brahmins of Sind are not backward. Similarly the Brahmins of the presidency proper are advanced in education but the Brahmins of Sind are not advanced in education; the Mahomedans of the Presidency side are advanced in education but that the Mahomedans of Sind are not advanced in education. Therefore, I do not want to agree to the principle that simply because a section of the people follows a particular faith, therefore, they should be represented on the Senate.

Sir, much has been made of the plea that the Mussalmans of India have a culture of their own, that they have a civilisation of their own and my friend the honourable member Moulvi Rafiuddin Ahmad said that they have a medicine of their own, and also music of their own. I know that the Arabs or the Unanis have a system of medicine, but I am surprised to learn that the Mussalmans of India have special music and special medicine of their own. Sir, 90 per cent. of my Mahomedan brethren have been born, bred and brought up in India, since time immemorial, and only a small percentage is of foreign descent. Similarly the Indian Christians are born and bred up in India ever since time immemorial. The civilisation to which they look back, the culture to which they look back, the systems of medicine and music to which they look back, are the systems of their own country, i.e., of this country. I think that just as it would be unreasonable for the Indian Christians to talk of the culture of Italy, or of the medicine of France or of the music of Germany, similarly, it would be unreasonable for the Mussalmans of India.....

The THAKOR OF KERWADA : Sir, is the honourable member in order when he refers to the civilization, etc., of Italy. France and Germany ?

The Honourable the PRESIDENT : I think the subject was referred to by previous speakers.

Mr. JAIRAMDAS DOULATRAM : I would not have gone into this matter but for the fact that it was referred to by the previous speakers. I was saying that it was thus unreasonable for the Mussalmans to look back on any foreign culture but that they should regard Indian culture as their own as it is of every other section of the Indian people.

A complaint has been made that the University has destroyed the Sindhi language. A vague allegation was made; I wish it had been substantiated by instances. I know, on the contrary, that attempts have been made to destroy the Sindhi language by some of our Muslim friends. I do not want to go into the details of those attempts but I will give just one instance to make my point clear. We have all read the story dealing with the incident of the *chakris* of Rama, and how on the occasion when Bharata and Rama parted, Bharata the younger brother, to show his respect for his elder brother, and as an indication of his future behaviour put Rama's *chakris* on his head. But we were told that the word *chakri* was not a proper word, and so the word was changed into *juta*, and so we were asked to teach our little boys that

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Bharata placed the " shoes " of Rama on his head. I do not know how far that can be said to be a justifiable change. I would remind my honourable friend Mr. Noor Mahomed that Sindhi is a Prakrit language, which is closely related to Sanskrit in its grammatical construction. The majority of the words in Sindhi have a close connection with Sanskrit, and the mere fact that some words from Persian happen to be in the language does not entitle any one to give it a Persian origin or a Persian bias. If there is an attempt to remove unnecessary foreign words, it is not killing Sindhi ; it is improving Sindhi.

Mr. NOOR MAHOMED : Quite right.

Mr. JAIRAMDAS DOULATRAM : The one reason which my honourable friend Moulvi Rafiuddin Ahmad gave for insisting that the number of nominated seats should be increased from 40 to 50 was that men like Mr. Mirza Ali Khan and the honourable member himself were not elected on the School Leaving Examination Board, and he told us on the occasion of the first reading of the bill that for the sake of modesty he did not want to discuss his personal question. I am much interested to see and to learn that my honourable friend Moulvi Rafiuddin Ahmad is a very modest man. But he discussed the in tance of Mr. Mirza Ali Khan. He said that that gentleman and my honourable friend himself were rejected because they were Muhammadans. I wish to know whether there were any other considerations having nothing to do with religion which were responsible for the non-election of my honourable friend and the other gentleman he has mentioned. My own view is that the special clause put in this bill gives every reasonable protection to the followers of any faith. The clause 6 says :

" No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious belief or profession in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein etc."

If it is a fact that Mr. Mirza Ali Khan and my honourable friend Moulvi Rafiuddin Ahmad were rejected because of their religion, then the remedy is in their own hands. They can go to court and prove that it was nothing but the mere fact of their being Muhammadans which came in the way of their being elected to the School Leaving Examination Board. I believe there is no point in that argument of my honourable friend.

Then my honourable friend said that the Muhammadans must have adequate and effective representation. To me it appears that the claim to have effective representation is absurd. What does he mean by effective representation ? Is it suggested that the Muhammadans or other communities as such should have sufficient representation to make their demands effective ? Is it suggested that they should have enough representation to make it certain that their proposals are invariably passed by the Senate ? I cannot understand what is meant by adequate and " effective " representation. A minority can never be effective ; it must always remain a minority. I could understand a demand for

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reasonable representation. I have not the slightest doubt that every section of the people which is educationally backward will have reasonable representation on the Senate through the channel of nomination, not because it follows a particular faith but because it is educationally backward. To me it appears that all arguments alleging unfairness in the matter of nominations are arguments against the impartiality of the Chancellor, and that such arguments should proceed from the honourable member Moulvi Rafiuddin Ahmad is a great surprise to me. I believe, Sir, that these 40 nominated seats will be sufficient for every backward section to have reasonable representation, and therefore I oppose the amendment.

Dr. B. R. AMBEDKAR : Sir, I rise to support this amendment. If I had agreed with the views which my honourable friend Mr. Munshi holds on university reform and the functions of the university, I would certainly not have risen to support this amendment. But I find that both as a person who takes an interest in university reform and as one coming from the backward communities I am in fundamental disagreement with my honourable friend Mr. Munshi. Sir, my honourable friend Mr. Munshi seems to hold that the University is merely a body for the purpose of making statutes and regulations, that it is a body which is merely concerned with holding examinations, and with providing post-graduate courses in University Departments of Education to be started under this bill. Sir, I think that that is a very narrow view of the University. One of the fundamental functions of the University, as I understand it, is to provide facilities for bringing the highest education to the doors of the needy and the poor. I do not think that any University in any civilised country can justify its existence if it merely deals with the problems of examinations and the granting of degrees. Now, Sir, if it is the duty of a modern university to provide facilities for the highest education to the backward communities, I think it will be accepted as a corollary that the backward communities should have some control in the University affairs. Sir, I look upon the University primarily as a machinery, whereby educational facilities are provided to all those who are intellectually capable of using those facilities to the best advantage, but who cannot avail themselves of those facilities for want of funds or for other handicaps in life. Now, Sir, it is said that the University is primarily a concern of the intelligentsia and of the educated classes, and that as the University is to function properly it is necessary that it should be controlled by what are called the educated classes. I would accept that principle, if the educated classes who are going to control the University possessed what we call social virtues. If they, for instance, sympathised with the aspirations of the lower classes, if they recognised that the lower classes had rights, if they recognised that those rights must be respected, then probably we, coming from the backward communities, might well entrust our destinies to what are called the advanced communities. But, Sir, for centuries we have had the bitterest experience of the rule of what are called the higher and the educated classes. Sir, I think it is hardly to the credit of the advanced

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classes that there should exist in this country a large part of the population which is known as the criminal tribes. It is certainly not to their credit that there should exist in this country a population which is regarded untouchable. Surely, they could have raised the status of the depressed classes, they could have raised the status of the criminal classes. They could have brought their culture to us and made us equal to them, if they had only the desire to do so. But they have never done so in the past and do not mean to do anything in that direction in future. By their callous neglect of us and by their active hostility to our progress they have convinced us that they are really our enemies. There is no doubt that it is their desire to keep us where we are. I do not wish to refer to the debate that has gone on for the last few days. But there is not the slightest doubt about the fact that the opposition benches which looked upon Government as their enemy sided with it now with the sole object of defeating us on this vital question. There is no other excuse for their conduct except that they wanted to defeat the claims of the backward communities for representation through nomination. It is for that reason that they have joined Government whom they opposed in season and out of season. Sir, can we have any trust in an intelligentsia so narrow, so illiberal in its views.

My honourable friend Mr. Munshi said that if it had been a question of division of any material benefits he would probably consent to the introduction of communal representation on the Senate. But I wish to remind him that the backward classes have come to realise that after all education is the greatest material benefit for which they can fight. We may forego material benefits, we may forego material benefits of civilization, but we cannot forego our right and opportunity to reap the benefit of the highest education to the fullest extent. That is the importance of this question from the point of view of the backward classes who have just realized that without education their existence is not safe. It is for this reason that the fight for increase of seats is being made.

There is another point to which I wish to refer. It has been stated several times that since the principals in the different colleges have been given separate representation it will not be necessary to increase the number of nominated seats, because, if the principals had not been given direct representation on the University, Government would have been obliged to use at least 10 seats to make for them. And that as separate provision has now been made for them the whole number of 40 seats will go to the backward classes. Now, Sir, I submit that it is for that very reason that the number of the nominated seats should be increased for ensuring adequate representation of the backward classes. It can never be guaranteed to us that the principals of different colleges who have got direct representation as a result of the amendment of the honourable member Mr. Hamill would necessarily be friends of the backward communities. I have had sufficient experience of these principals, and I am sure that those who will be elected to the Senate will be from the upper classes and they will never come to the rescue of the backward classes who are clamouring for education. If the Honourable Minister has added 10 seats more to the strength of the upper classes in the Senate he should

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come to the rescue of the backward communities and equalize the balance. That can be done only by adding 10 more seats to the seats that have already been provided in the bill. Sir, we have expressed our fears and our doubts. I think it is only fair that in a matter like this, where the feelings of the backward communities are so high and where they think that their interests will not be safeguarded unless they get representation on the senate, Government should consider whether it is proper that Government should use its official force to put the backward classes at the mercy of the upper classes. I think it would be wise and I appeal to the Honourable the Leader of the House to leave this question to the free vote of this House. Let the House decide in any way it likes best. With these remarks I support the amendment.

Rao Bahadur R. R. KALE (Satara District) : Sir, I have no desire to go at any length over the points which have already been raised. But I wish to make one or two observations on the crucial points which struck me as important in this debate. I regard and have always regarded with feelings of pain and regret the introduction of communalism in a sacred place—in the temple of learning which the university is. If communalism is to be introduced into it then I say good-bye to all nationalism. It is there we receive the training for the spread of nationalism—it is in the sacred temple of the university. The honourable member Khan Bahadur Dastur when he spoke on this question at the time of the first reading stated that so far as he had been able to see, in his experience of 30 years he was never able to perceive the least trace of communalism brought into the affairs of the university. It is culture that we have to obtain there. The honourable member Dr. Ambedkar remarked that all the educated people in the senate have not done sufficiently for the backward classes. I do say that it might be due to circumstances not within their power or control. So far as the Deccan Education Society is concerned from the very beginning they have done everything in their power and thrown open their doors to encourage education among the backward communities. The honourable member then referred to the poverty of the backward classes which stood in their way. May I ask the honourable member whether Gokhale and Paranjpye do not belong to poor families? They studied by the lantern lights in the streets. I submit poverty does not come in the way. What is really needed is the desire and the will to reap the benefit of education. I have often heard the argument that owing to poverty the backward communities have not derived the benefit of education. It may be true to some extent but what is really needed is the desire and the will to derive the benefit of education and enter the temple of learning. We have before us the example of the ex-Minister and the honourable member Dr. Ambedkar. (Interruption) I am talking about people who come out of poor families. I am talking of poor people belonging to the depressed classes who have risen to eminence by their own effort and will. My only submission is that we should make some allowance for the environment and the system which has prevailed. Government might have done more and our own people might have done something more. Under these circumstances, it is no use condemning

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wholesale the educated classes in the university. I have always been hoping for the day when the educated classes of all the communities will stand side by side in the senate of the university.

Something was said about members co-operating with Government. I submit that one half of Government as it is constituted is your own government. Representatives of the people like myself have always thought that it is their duty to press on the attention of Government the real demands of the people and exact out of them as much as they can and see that the machinery of Government proceeds on progressive lines. To that end we must all endeavour. I do not think that all the members on this side form the opposition to Government. There is the ministry which is a part of Government and we ought to co-operate with it.

Mr. B. V. JADHAV : The honourable member has definitely joined the ministry.

Rao Bahadur R. R. KALE : It is not full responsible Government. But still the people's representatives in the Council, whenever they feel that the proposals adumbrated by members of Government, especially by members of Government who are representatives of the people, are for the benefit of the people, must see that they are carried through and do not succumb to obstruction. Some members have now adopted the spirit of co-operation with Government. If this spirit had prevailed ever since the Reforms came into force, then the state of things would have been better today. If all members, irrespective of Swarajism or any other 'ism' had been actuated by the same spirit, then the official members of the Council would have been obliged to come down. If even now we combine—our strength is 86—we can make the Government do whatever is necessary. Only we must not show the narrow and sectional spirit which comes in the way of our efforts.

Mr. R. G. PRADHAN (Nasik District) : Sir, on this particular question.....

The Honourable the PRESIDENT : As the time for adjournment is drawing near, the speeches should be short in proportion.

MOULVI RAFIUDDIN AHMAD : Sir, it may be taken next day.

Mr. B. V. JADHAV : This is the most important question.

Mr. R. G. PRADHAN : On this particular question, I feel that I am on the horns of a dilemma. I have been opposed in principle to nomination and in particular, to giving what may be reasonably described as excessive nomination to Government, because my fear has been, and my knowledge tells me, that often nomination is abused by those in whose hands it lies. On the other hand, I have always recognised the fact that in the peculiar conditions of this country, we cannot entirely do away with nomination. I also feel very much sympathy with the point of view which has been pressed in this Council by my esteemed friend Dr. Ambedkar. I confess his speech has made an appeal to me, and that appeal has been persuasive, coming as it does from one who, I am convinced, is not actuated by any caste or communal feeling, but is really

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inspired by the love of elevating the condition of the classes which he represents, and so worthily represents in this Council, in order that in the ripeness of time those classes also may take their legitimate place in the national life of the country. I do admit that coming as it does from such a man that appeal has had a great effect on my mind. I do not propose to refer to some of the remarks which have been made by my honourable friend the member for the University and the honourable member for Satara. It appeared to me from those remarks that they were, just as the lady in the proverb, protesting too much ; that something was biting them, pricking their conscience. My honourable friend Dr. Ambedkar has sufficiently replied to my honourable friend the member for the University. No sensible man will say that Government should be opposed in season and out of season ; but on the contrary on the other hand, no sensible man will say that Government should be supported in season and out of season, even on matters which are clearly detrimental to popular interests. If that is the conception of co-operation with Government which my honourable friend the member for the University has, well, it is a conception which he is welcome to have.....

Mr. K. M. MUNSHI : I have not said so.

Mr. R. G. PRADHAN : I am very glad to hear that that is not his conception.

Mr. K. M. MUNSHI : I think the honourable member was not here.

Mr. R. G. PRADHAN : I was here. I listened to the honourable member's speech carefully. However, I do not propose to refer to that matter further. Coming to the amendment, the question is very simple. I do not think there are diehards here who are prepared to bring forward an amendment to the effect that there should be no nominations at all. The principle of nomination has been accepted ; and the only issue is whether the number of nominations should be 40 as proposed in the bill or it should be 50,—only a difference of 10, and we are fighting over this small figure of 10. Why should there be such heat and acrimony and bitterness in such a small trivial matter ? Well, I put it to the Honourable Minister and the Honourable the Leader of the House, if on such a point we cannot arrive at a compromise. Is it such a difficult matter that we cannot talk over it and come to an agreement ? Is it not possible for the Government or for the Honourable the Minister of Education just to have a talk with my honourable friend Mr. Noor Mahomed or with the leader of the Muhammadan party or with the leader of the non-Brahmin party and arrive at an agreed solution ? It seems to me to be the most reasonable step that any reasonable man would take under the circumstances. If I had been the Minister of Education I would have certainly taken this course, and I do sincerely hope that this course will be adopted by the Honourable the Leader of the House. If this is not done, my honourable friend Mr. Noor Mahomed and others will be justified in thinking that there is something behind the scenes which prevents the Honourable Minister from coming to a

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compromise on this issue. With these remarks, Sir, I will conclude and I reserve my liberty of action with regard to voting until I have heard the Honourable Minister.

Khan Bahadur S. N. BHUTO (Larkana District): I rise to support this amendment. Sir, I do not want to go into the details of this bill as its merits and demerits have amply been discussed. Really speaking the discussion which has been going on for the last three days is simply disgusting to me. The only object with which this amendment is moved is to record our protest so that it may be understood and fully known that a bill of this nature has to do nothing so far as the Moslem community and backward classes are concerned. I only regret that the discussion of this bill and particularly the tone and spirit shown by our advanced class friends will have far-reaching effect and I really feel that it is a fit test as to whether we Mussalmans should favour further reforms at all when Royal Statutory Commission comes to enquire into it, if this is the fate of the minority. Sir, so far as the Minister is concerned we do not blame him for this unfair and unjust attitude as he seems to have been compelled by circumstances created by his own class of people to take absolutely no notice of our protest. What is more disappointing is that even our friends the Government benches with whom we have all along been friends and helped them at critical and most important questions have not taken any notice of our protest. As regards those who are on this side of the House they soon forget obligations. I don't think they could have forgotten our timely help when we came to their rescue. But on a question like this we find that they are too selfish not to take full advantage of the situation they have created. They consider purely their own interests and have forgotten all principles they talk of. I do not think either party can do for long without help and co-operation of Muhammadan members. Time is not far when one of the parties, Government or opposite benches, is sure to seek our help and we are watching with interests how they approach us after having left us in lurch like this.

Mr. A. D. SHETH: I move closure.

The Honourable PRESIDENT: I accept it.

Mr. NOOR MAHOMED (Hyderabad District): Sir, many honourable members have spoken on this amendment but not one of them has tried to prove, in the remotest degree, that we are going to get more representation on the senate than at least one member as a result of the formation of the various constituencies of the University. The Honourable Minister raises his hands in astonishment! In reality we are more astonished than the Minister looks to-day at the results of the actual working of the dyarchical system of Government.

Another point that I made was that an attempt was being made to kill our culture and the proof of it is in the report of the University Committee. Therein the view of the majority appears to be that any culture which is not "*indigenous*" should be destroyed. My honourable friend Mr. Jairamdas said that Sindhi was a branch of Sanskrit; and



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there you can see for yourself, Sir, the mentality of those who are going to represent us, the people of Sind, on the Senate.

Mussalmans have been connected with Sind now for over a thousand years; and Persian and Arabic words have crept into our own language imperceptibly, so much so that we do not now realize their being foreign words at all; and my honourable friend, the chief exponent in Sind of this policy of weeding out all Persian or Arabic words and all words derived from those languages, would not give any room in our text books for Sindhi household words such as "*Basar*" (onions), "*Thoom*" (garlic) or "*Mori*" (drain) simply because they are of Arabic origin and would like to have instead of them some Sanskrit words, of the indigenous culture! He would not therefore give room for them in our dictionary. His speech has shown to the honourable House the difficulties we are facing. If any proof were needed to show that our fears are genuine, it has come from the mouth of the honourable member himself. Mussalmans are not being given any representation on the Senate; and even Sind will send such principals, head masters and others on the Senate as will help to kill Persian and make our own language, Sindhi, a foreign language to us. That is why I protest against this bill, and urge that the number of nominations be increased from 40 to 50, to enable the Chancellor to give some chance of representation to the different interests that go unrepresented under this bill. My friend, Dr. Solanki, has explained to the honourable House the great difficulties under which the so-called "depressed classes" labour, and Mr. Jadhav has shown how their community the non-Brahmins are affected by this bill; and so far as we are concerned, with all our best endeavour, we can hope to have not more than one Mussalman member on the Senate, and that through the local boards of Sind. That would also be possible only when Mussalmans put one candidate and there is no disunion among them or else there would be no chance for any Mussalmans being returned to the Senate at all. When pressed for representation for the Labour, the Honourable the Leader of the House, Sir Chunilal, referred the advocates of Labour to these 40 seats reserved for nomination. So, Sir, every discontented element is being referred to these 40 seats, which, in the circumstances, are not enough.

The honourable member, Mr. Munshi, tried to frighten me by speaking loudly. I assure him his noise has no terror for me. In a competition between him and myself in talking loudly I can beat him hollow. Sir, he has tried to show that the voting we have had during the last few days on this bill has been ideal voting in the reformed Council in the whole of India. I perfectly agree that in the transferred departments the members on this side of the House must have a deciding voice; and the Minister should be responsible to the elected representatives in this House. With that position no one can have any quarrel. But my grievance is quite different. In a parliamentary government, the leader of a party can become a Minister; and as a leader he is to lead his flock and is not to be led every now and then, as is happening now in this bill. He must retain for himself the right of deciding for himself whether he should or

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should not accept any amendment of a clause ; and should not delegate it to his "followers" ; and his decision must be accepted by his followers. That is the difference.

Mr. JAIRAMDAS DOULATRAM : Is not the Minister to be responsible ?

Mr. NOOR MAHOMED : Quite so, Sir, he has to be. But if the Minister has to run to his party or the so-called followers every five minutes to decide for him what decision he should take on any particular clause of the bill or any amendment moved with regard to the bill, then I say that "the parliamentary government" as witnessed in the case of this bill is a farce ; that is reducing dyarchy to a farce.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, as the time is limited, I do not wish to take up much time in reply. In spite of the kind courtesies of some honourable members of the House who have taken part in the debate on this bill, I desire to assure the honourable members of this House, and particularly those belonging to the Muslim and Maratha communities, that I as Minister of Education am in charge of the interests of the various populations in the whole of the presidency and they may be sure that, as far as lies in my power, I shall try to protect, as I have hitherto done, the interests of all classes and communities which require to be protected.....

Mr. R. S. ASVALE : On a point of information,.....

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not going to give way to anybody. Sir, my honourable friend Moulvi Saheb referred to an instance even in his speech to-day that in the University the Mahomedan community was not receiving its proper due, and the honourable member Mr. Jadhav also questioned me as to what I had done for one or the other of the communities, during the nine months that I am here, with regard to any nominations upon the University Senate. Sir, during the short time that I have been here, out of the three nominations that have been made, one was of Syed Nawab Ali in September—or this month—and the other was of Sir Fazalbhoy Currimbhoy ; and so, in the nominations the Mahomedan community has had more than its due. (An honourable member : What about the third ?) I am questioned about the third nomination. The third is also a non-Brahmin, Principal Rawlinson. (Laughter.) The honourable member Moulvi Saheb talked about many things which are beside the mark. There is no question about nominations, whether they should be provided for or not. They are in the bill. The question only is what should be the number of nominations ? No one says that Mussalmans should not be on the Senate. No one has said it, and in a temple of learning, as I have said before, all votaries of learning are entitled to have a place and all have equal rights. But being a temple of learning, it is only the votaries of learning, the exponents of learning,—to whatever classes or communities they may belong,—will have a right to come and will also have a right to find a place by nomination.

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A reference was made, Sir, to Islamic studies by the honourable member Mr. Noor Mahomed. Now, very shortly the Andheri College is going to be opened, where the Islamic studies are to have a preference over all other studies, and consequently they cannot accuse Government of neglecting the Arabic studies. And even if one were to look at the University Reforms Enquiry Committee,—a report which has been described by my honourable friend Mr. Moulvi as a revealed book,—there also were on it two Mahomedan members, Sir Fazalbhoy Currimbhoy and Mr. Mirza Mahomed Ali Khan, and their recommendation with reference to the number of nominations was only 35, whereas the Senate has put it at 40. Originally, I myself was inclined to put it at 30. But before I put in the bill for the first reading, it was raised to 40. So that, the number was increased beyond even the recommendation of that committee, and if honourable members would refer to page 156 of the report, they will find that only one member was given by it out of 24 to the managing committee of the Anjuman-i-Islam in the said report. Even to the municipalities and the district local boards only 4 members for each were given, whereas in the bill there are more than that, and the rural interests are, I submit, adequately represented in the scheme of the bill. The Mussalman population as well as the Maratha population live in large numbers in rural areas, and the district local boards have a sufficient number given to them, through which they can very well come, and it is not restricted, as the honourable House has noticed yesterday, to the members of those bodies, but advocates of Islamic learning and Islamic studies like the honourable member Mr. Noor Mahomed can also come in.

There was a remark also made by the honourable member the Moulvi Saheb that a man like Mr. Mirza Ali Mahomed Khan was recently defeated. But who was instrumental in defeating him? My honourable friend the Moulvi Saheb was a rival of Mr. Mirza Ali Mahomed Khan, and if they had not quarrelled among themselves, perhaps Mr. Mirza Ali Mahomed Khan would have succeeded....

MOULVI RAFIUDDIN AHMAD : I strongly protest against that....

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not want to give way and I do not want to be interrupted. That was an election to the Syndicate. Consequently, if communities cannot agree among themselves and pit one against the other, then they have no right to accuse either the Minister of Education or the Government for the results that follow.

Sir, the criticism was that the University as at present constituted is dominated by teachers and professors, and the University Reforms Committee wanted that the University should have a sprinkling also of the men of affairs. Consequently, in the scheme of this bill provision has been made for both. And lastly, I would submit to the honourable House that sufficient provision having been made for professors, including principals, by raising the number allotted to them from 10 to 20, there is no reasonable cause for complaint that the just aspirations of the 'votaries

[Dewan Bahadur Harilal D. Desai]

of learning in the various communities which are considered as educationally backward will have no place in the number of nominations. I, therefore, submit that the amendment will be rejected by the House.

Mr. B. V. JADHAV : May I ask the Honourable Minister whether principals of colleges will not be nominated in future ?

The Honourable Dewan Bahadur HARILAL D. DESAI : My honourable friend Mr. Jadhav was till recently holding a responsible position and, having now been out of it, wants me to give an answer which would be against the responsibilities of my office.

Question put. House divided. Ayes 26 : Noes 49. Motion lost.

*Division No. 9.*

#### Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb  
AHMAD, MOULVI RAFTUDDIN  
AMBEDKAR, Dr. B. R.  
ASAVALE, Mr. R. S.  
BHUTTO, Khan Bahadur S. N.  
BIJAKANI, Khan Bahadur SHER MUHAM-  
MAD KHAN  
BOLE, Mr. S. K.  
DAWOODKHAN SHALEHHOY, Mr.  
DUGUID, Mr. A.  
ISRAN, Khan Saheb GHULAM MUHAMMAD  
ABDULLAH KHAN  
JADHAV, Mr. B. V.  
JONES, Major W. ELLIS

KAMBLI, Rao Bahadur S. T.  
KHUERO, Mr. M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD  
LIGADE, Mr. S. P.  
NAVLE, Mr. N. E.  
NOOR MAHOMED, Mr.  
OLIVEIRA, Mr. F.  
PATIL, Rao Saheb D. R.  
PETCH, Mr. F. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
THAKOR OF KERWADA, the  
THORNBEE, Mr. J. P.  
VANDEKAR, Rao Saheb R. V.  
WASIF, Mr. G. A. D.

*Tellers for the Ayes* Mr. NOOR MAHOMED and Mr. B. V. JADHAV.

#### Noes

AMIN Mr. H. J.  
ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BECHAR, Mr. N. A.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DASTUR, Khan Bahadur F. M.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESHPANDE Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSAIN, the Honourable Sir  
GILDER, Dr. M. D.  
GUNJAL, Mr. N. R.  
HAMIL, Mr. H.  
HATCH, Mr. G. W.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASSI.  
JOG, Mr. V. N.

JOSHI, Mr. S. C.  
KALF, Rao Bahadur R. R.  
KARKI, Mr. M. D.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MEHTA, the Honourable Sir CHUNILAL  
MONTEATH, Mr. J.  
MUKADAM, Mr. W. S.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
NANAL, Mr. B. R.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
PETIT, Mr. J. B.  
PRADHAN, the Honourable Mr. G. B.  
RIEU, the Honourable Mr. J. L.  
SHETH, Mr. A. D.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
TURNER, Mr. C. W. A.  
WEBB, Mr. M.  
WILES, Mr. G.

*Tellers for the Noes* : Mr. A. D. SHETH and Mr. J. C. SWAMINARAYAN.

The Honourable the PRESIDENT : I suppose the two honourable members whose amendments follow, namely, the honourable member Mr. Jadhav and the honourable member Mr. Bole, do not wish to move them.

Mr. B. V. JADHAV : The second part of Mr. Bole's amendment will have to be moved.

The Honourable the PRESIDENT : The last part is also in a separate amendment rejected by the House and the first is just now rejected. I do not think either would be in order now. Does the honourable member Mr. R. G. Pradhan wish to move his amendment ?

Mr. R. G. PRADHAN : I do not want to move it.

The Honourable the PRESIDENT : In that case I can dispose of clause 13 now.

Mr. B. V. JADHAV : Sir, I wish to raise a point of order on the amendment of the honourable member Mr. Bole. As a matter of fact, there are two portions of that amendment. The first is that the number of nominated seats should be increased from 40 to 50, and the other is, whatever the number of nominated seats may be, 3 seats should be reserved for Labour. It is true that the House has shown its unwillingness to give any special seats to Labour by election, but that does not mean that the House has expressed its opinion that even from among the nominated members no seats should be set aside to represent Labour.

The Honourable the PRESIDENT : I understand the amendment to mean that the number 40 should be increased to 50, and out of the 50, 3 seats should be reserved for Labour. If the second part of the amendment were an independent amendment by itself, it would have clearly stated that 3 out of the nominated members should be representatives of Labour. That was Mr. Joshi's amendment. In its present form, I think it is out of order.

Clause 13, as amended, ordered to stand part of the bill.

The Honourable the PRESIDENT : The House is now adjourned till 2 p.m. on Friday, the 7th October 1927.



*Friday, the 7th October 1927*

The Council re-assembled at the Council Hall Poona, on Friday, the 7th October 1927 at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BROWNE, Mr. D. R. H.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DASTUR, Khan Bahadur F. M.  
 DAWOODKHAN SHALEHROY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HAMILL, Mr. H.  
 HATCH, Mr. G. W.  
 ISBAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
 JEHANGIR, the Honourable Sir COWASJI  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED

JOG, Mr. V. N.  
JONES, Mr. W. E.  
JOSHI, Mr. S. C.  
KALE, Rao Bahadur R. R.  
KAMBLI, Rao Bahadur S. T.  
KARKI, Mr. M. D.  
KHUHRO, Mr. M. S.  
LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
LALJI NARANJI, Mr.  
LIGADE, Mr. S. P.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MARZBAN, Mr. P. J.  
MEHTA, the Honourable Sir CHUNILAL  
MONTEATH, Mr. J.  
MUJUMDAR, Sardar G. N.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
NANAI, Mr. B. R.  
NAVLE, Mr. N. E.  
NOOR MAHOMED, Mr.  
OLIVEIRA, Mr. F.  
OWEN, Mr. A. C.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. G. I.  
PATEL, Mr. J. R.  
PATIL, Rao Saheb D. R.  
PRADHAN, the Honourable Mr. G. B.  
PRADHAN, Mr. R. G.  
RAHIMTOOLA, Mr. HOOSENALLY M.  
RIEU, the Honourable Mr. J. L.  
SHETH, Mr. A. D.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
SYED MUNAWAR, Mr.  
THAKOR OF KERWADA, the  
THORAT, Sardar S. B.  
THORNBUR, Mr. J. P.  
TURNER, Mr. C. W. A.  
VANDEKAR, Rao Saheb R. V.  
WASIF, Mr. G. A. D.  
WEBB, Mr. M.  
WILES, Mr. G.

The Honourable the PRESIDENT: Order, order, Questions.



## PROVIDENT FUND SCHEME

Mr. M. G. BHOSLE (West Khandesh District) : Will Government be pleased to state how many resolutions and memorials regarding the adoption of Provident Fund Schemes with gratuity in lieu of pension, have been received by them from Government servants, individually and from recognised associations and from whom ?

The Honourable Sir CHUNILAL MEHTA : The attention of the honourable member is invited to the reply given on 5th August 1927 to clause (b) of the question put by Mr. H. V. Pataskar (East Khandesh District) printed at page 1421 of the Bombay Legislative Council Debates, Volume XX.

## SCHOLARSHIPS IN GUJARAT : CLASSIFICATION OF COMMUNITIES

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether the classification of the various communities of Gujarat into advanced, intermediate and backward made in the census report for 1921 and accepted in Chapter XV of the report on Public Instruction for the year 1923-24 is still accepted for the purposes of awarding scholarships mentioned at page 189 of the Civil Estimates for the year 1927-28 ;

(b) if the reply to the above be in the negative, the reasons for departing from the 1921 census report ;

(c) whether it is a fact that the cultivating and artisan classes are included in the class of intermediate Hindus ;

(d) the principles on which the scholarships referred to in (a) are awarded ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No.

(b) It has been found that some of the communities in the Northern Division classified as Intermediate in the census report are educationally as advanced as some of the castes included among the Advanced classes and therefore such communities have been excluded from the benefit of special educational concessions available to non-Brahmin backward communities.

(c) Yes, for the purposes of the census report only and not necessarily for concessions in educational matters.

(d) The scholarships are awarded to pupils belonging to communities which are educationally backward. In addition to this the age of the candidate, the marks obtained by him at the last University, School or College Examination and the circumstances of the parent or guardian are taken into consideration in awarding the scholarships.

## SUKKUR BARRAGE LANDS : NEW SETTLEMENTS

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether in view of the new settlements on the hitherto waste lands under the Barrage, increase in police, courts, roads and railway expenditure has been decided upon by Government ;

(b) if so, what facilities will be provided for the new settlers.

The Honourable Sir COWASJI JEHangIR : (a) and (b) Additional facilities of all kinds will naturally be provided when the time comes but at present no detailed decisions have been reached.

#### EDUCATION : DEPRESSED CLASSES AND BACKWARD HINDUS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state —

(a) when they have last reviewed the progress of education among depressed classes and backward Hindus in the Bombay Presidency ;

(b) whether it is their intention to issue a report reviewing the progress of education among above sections of the population in the past ten years ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) In March 1924.

(b) No. In the opinion of Government it is as yet too early to do so.

Mr. JAIRAMDAS DOULATRAM : Have Government published the result of their inquiries made in March 1924 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : So far as I know, they have not.

Mr. JAIRAMDAS DOULATRAM : Have Government any objection to publish it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I will consider it.

#### GOVERNMENT HIGH SCHOOL, HYDERABAD

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state —

(a) whether it is a fact that Government have ordered the opening of an extra division for the first standard in the Government High School of Hyderabad.

(b) the maximum limit fixed for admission of students in that division and the number fixed for Hindu and Muhammadan students ;

(c) the number of Hindu and Muslim students who joined the class before the vacation and the number of those who joined after the vacation ;

(d) the total number of students who are now in the extra class who had already found accommodation in other schools in Hyderabad (or in other towns where they or their parents resided) when the extra class was opened ;

(e) whether they will place on the Council table copies of resolutions issued by Government in regard to the opening of the extra division this year and last year ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes ; for the last and current years only.

(b) The maximum limit fixed for admission is 30, 15 being Hindus and 15 Muslims.

(c) No boy was admitted before the vacation as the question of the percentage of admissions of Hindus and Muslims was pending before Government for final sanction.

(d) Twenty-three students of the extra class had already found accommodation in other local schools.

(e) It is regretted that the request cannot be complied with as the preambles of the Resolutions contain or cite the reports of Government officers which are intended for the information of Government only.

#### LLOYD BARRAGE : REVISION OF ESTIMATE OF RECEIPTS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that they are revising the estimates of the receipts side of the Barrage project ;

(b) if so, to publish the result of such revision ?

The Honourable Sir COWASJI JEHANGIR : (a) No.

(b) Does not arise.

#### HONORARY MAGISTRATE, PALGHAR

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) whether they think of the creation of a Bench of Honorary Magistrates at Palghar ;

(b) whether there is any demand in that behalf from the public ;

(c) if so, whether the circumstances have changed in any way since their answer to similar questions was given during 1926 ;

(d) whether they are aware of the educational qualifications of the personnel proposed for such a Bench ?

The Honourable Mr. J. L. RIEU : (a), (b), (c) and (d) No proposal for the creation of a Bench of Honorary Magistrates at Palghar is before Government. Nor are they aware of any public demand for one.

#### EKRUK TANK (CANALS, SHOLAPUR)

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City) : Will Government be pleased to state—

(a) the mileage to which water was run in the perennial canal of the Ekruk Tank at Sholapur for letting out water for rabi cultivation during the five years 1917 to 1922 ;

(b) the time the water takes to reach the 11th mile, the 22nd mile, and the 27th mile of the perennial canal from the time it is let out from the tank ;

(c) the time taken to reach the 5th mile of the left bank of the canal ;

(d) the time taken to reach the 3rd mile and the 11th mile of the right bank of the canal ?

The Honourable Sir COWASJI JEHangIR : (a) Rabi irrigation was allowed on the Ekruk Tank Perennial Canal during the five years 1917-18 to 1921-22 up to the mileages as shown below :—

				Miles
1917-18	..	..	..	11
1918-19	..	..	..	23
1919-20	..	..	..	19
1920-21	..	..	..	19
1921-22	..	..	..	19

(b) The time water will take to reach a particular mile depends upon various factors. Assuming that the perennial canal is running full, the water will take about 16 hours to reach the 11th mile, about 32 hours to reach the 22nd mile and about 41 hours to reach the tail. The total length of the canal is a little over 26 miles.

(c) The length of the Left Bank Canal is 4 miles and the time taken by water to reach the 4th mile will be about 6 hours.

(d) About 4 or 5 hours to reach the 3rd mile and about 16 to 18 hours to reach the 11th mile.

#### Ekruk Tank Canals : Irrigation Acreage

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City) : Will Government be pleased to state the probable acreage that could be irrigated by the various lengths of the Ekruk Canal, and the quantity of water that would be wasted due to leakage or evaporation, etc., by supply of water to the following various lengths of the canals :—

(a) the right bank of the Ekruk canal for the first 3 miles, for the subsequent 7 miles, and the final 6 miles ;

(b) the left bank of the Ekruk canal for the first 3 miles and the subsequent 3 miles ;

(c) the perennial canal of the Ekruk Tank from the 19th mile to 24 miles, and from 24th mile to 27 miles ?

The Honourable Sir COWASJI JEHangIR : (a) The irrigable areas under command of the different lengths of the Right Bank canal of the Ekruk tank are :—

#### Total length, 18 miles

Length			Area
Miles 1 to 3	..	..	1,107 acres.
Miles 4 to 10	..	..	2,237 „
Miles 11 to 18	..	..	1,131 „

(b) The irrigable areas under command of the different lengths of the Left Bank canal of the Ekruk tank are :—

#### Total length, 4 miles

Length			Area
Mile 1 to 3	..	..	665 acres.
Mile 4	..	..	130 „

(c) The irrigable areas under command of the different lengths of the Perennial canal of the Ekruk tank are :—

*Total length about 26 miles*

Length		Area
Mile 19 to 24	.. ..	1,580 acres.
Miles 25 and 26	.. ..	1,060 „

It is not possible to state definitely what quantity of water will be lost in transit in giving supply to the different lengths of the canals mentioned above. The loss however is assumed to be 50 per cent. for the upper reaches and 70 per cent. for the tail portion.

ROAD PROJECT : AHMEDABAD-BHADRA

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(a) whether they are aware of the fact that there is practically only one principal road known, *viz.*, Richey Road leading from the railway station to Bhadra on which the main vehicular traffic and motor buses run ;

(b) the number of (1) private cars, (2) motor buses, (3) horse carriages (private), (4) hackney carriages, plying in the City of Ahmedabad ;

(c) whether they had made any proposals to the municipality for a parallel relief road from the railway station to Bhadra ;

(d) whether any plans have been prepared by the consulting engineer to Government for the same :

(e) the number of accidents that occur in the city especially on this main road and the number of human lives that are lost every year owing to heavy vehicular traffic ;

(f) what has become of the said proposed relief road ;

(g) what steps they propose to take in the matter to save so many precious human lives and accidents ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) (1) 456, (2) 84, (3) 724, and (4) 510.

(c) No ; but schemes have been prepared for the relief of congestion of traffic by the Consulting Surveyor to Government at the instance of the Municipality.

(d) No.

			1925	1926
(e)	Injuries resulting in deaths	.. ..	6	10
	Grievous injuries	.. ..	7	4
	Slight injuries	.. ..	150	179
	Total	.. ..	163	193

*Note.*—On those in 1925, 64 occurred on the main road, *viz.*, Richey Road, 3 resulting in death. Of those in 1926, 59 occurred on Richey Road, 2 resulting in death.

(f) and (g) The Relief Road scheme is abandoned for the present as it involves dishousing of a very large number of people, and cannot be taken up before some arrangements are made to provide houses to these persons.

For this purpose, two Town Planning Schemes, *viz.*, Ellis Bridge and Kankaria have been prepared and they are now before Government for their consideration.

Khan Saheb A. M. MANSURI : In view of the fact that the number of deaths has increased from 6 to 10 and grievous injuries from 150 to 179, do not Government think it advisable to revive the Relief Road scheme ?

The Honourable the PRESIDENT : That is a suggestion for action.

Khan Saheb A. M. MANSURI : In the 1st list.....

The Honourable the PRESIDENT : That cannot be done now. That question will arise after finishing the 4th list. I will give my opinion about it.

#### BOMBAY PORT TRUST : HOUSE-RENT ALLOWANCES

Mr. K. M. MUNSHI (Bombay University) : Will Government be pleased to state—

(a) whether it is a fact that officials in the Dock Department of the Bombay Port Trust draw allowances or house-rent in addition to their salaries ;

(b) whether the members of the staff are paid any allowance or house-rent ? If not, why not ?

The Honourable Sir COWASJI JEHangIR : (a) All married officers of the Dock and other Departments of the Trust draw house allowance or are provided with quarters. In the latter case, the quarters are rented on a percentage of salary basis ;

(b) No. The Trust generally follows Government practice in the matter of grant of house allowances.

#### IRRIGATION TANK AT UNTADI, TALUKA BULSAR

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) whether they are aware that there is a big irrigation tank at Untadi, taluka Bulsar ;

(b) the area of the tank, the area of land assessed to himayat under it, when it was last repaired and the annual irrigation revenue levied on the land under the tank.

The Honourable Sir COWASJI JEHangIR : (a) There are two irrigation tanks at Untadi, taluka Bulsar, in charge of the Public Works Department, *viz.*, (1) the Biban tank in R. S. No. 580 and (2) the Gam tank in R. S. No. 811.

(b) The subjoined table furnishes the requisite information in respect of the two tanks :—

Serial No.	Name of tank	Area of the tank	Area of land assessed to himayat	When last repaired	Annual irrigation revenue
1	2	3	4	5	6
		A. g.	A. g.		Rs. a. p.
1	Biban tank .. ..	6 4	31 13	1926-27	60 13 2
2	Gam tank .. ..	16 20	65 26	1903-04	118 0 10

#### CITY SURVEYS, SURAT

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) whether it is a fact that in city surveys particularly in Surat indicative survey numbers are given to individual tenements in one and the same building owned by one and the same person, and that separate sanads are issued for every such indicative number formed in the recent revision city survey ;

(b) if the reply is in the affirmative, the law and authority under which this procedure has been adopted ?

The Honourable Mr. J. L. RIEU : (a) Yes, where such tenements actually stand on different land (building sites), not being superimposed on identically the same land.

(b) Under sections 132 and 133 read with clause 11 of section 3 of the Land Revenue Code.

Rao Bahadur B. R. NAIK : I want to know whether the indicative survey numbers is the same as the survey number ?

The Honourable Mr. J. L. RIEU : The original survey number is retained with subsidiary numbers.

#### CAUSEWAY OVER TITUR RIVER, CHALISGAON

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) whether they are aware that the construction of a causeway on the Titur River at Chalisgaon on the Chalisgaon Outram Ghat Road has caused silting up of the river and the diversion of its current towards the side of the old town ;

(b) whether it is a fact that the causeway being unprotected on the river-sides is dangerous in rainy season ;

(c) whether it is a fact that the causeway is in a very unsatisfactory condition owing to the wearing out of stones in many places ;

(d) whether they have considered the advisability of having a bridge in place of the present causeway ;

(e) whether they propose to issue orders to improve the causeway ?

The Honourable Sir GHULAM HUSSAIN : (a) The construction of the causeway over the Titur River near Chalisgaon has caused accumulation of sand on the upstream side. As regards diversion of the current towards the old town, the situation of the openings is not such as would tend to have this effect and there is no definite evidence that such diversion has occurred.

(b) During the period of actual floods with the water-level above the formation level of the causeway it is dangerous for traffic to pass over it, there being no guard stones on the central portion of the existing causeway.

(c) The local stone available for the paving of the causeway being soft, the paving has worn away and the surface has become very rough.

(d) In view of the present financial stringency and especially in view of the fact that there are many masonry works which are urgently required on many of the roads in the East Khandesh Division, the question of replacing the existing causeway by a bridge cannot be considered at present.

(e) Arrangements to provide guard stones on the central portion of the causeway have been made. Cement concrete paving has been provided for a small area of the causeway. If this paving is found to wear well, it is proposed to replace the remaining worn paving with cement concrete next year.

Mr. H. V. PATASKAR : With regard to the reply to (b) do not Government consider it urgent to have the bridge instead of the causeway ?

The Honourable Sir GHULAM HUSSAIN : There are so many others that are equally urgent and this will be considered along with them.

Mr. H. V. PATASKAR : Are not Government aware that concrete paving has been washed away ?

The Honourable Sir GHULAM HUSSAIN : Government are not aware.

Mr. H. V. PATASKAR : Will Government make enquiries ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

#### SCHOOL BUILDING AT VINCHUR, NASIK DISTRICT

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether it is a fact that the building in which the Local Board School at Vinchur, taluka Niphad, district Nasik, is located in unsuitable and insanitary, and condemned as such by local officers, educational and other ;

(b) whether it is a fact that the area of the building is only 1,200 square feet, and yet about 190 boys are accommodated therein, though according to departmental rules, the accommodation is enough only for 120 boys ;



(c) whether it is a fact that a resident of the village by name Vishnu Vyankatesh Kachole has offered his building, which is about 2,200 square feet in area, for the school for the same rent as is paid for the existing building ;

(d) whether it is a fact that Mr. Kachole's building is much better, more sanitary and more suitable than the present one ,

(e) whether it is a fact that Mr. Kachole, though a Brahmin, is quite willing to agree that boys of the depressed classes may be allowed to sit inside ;

(f) what action the Education Department has taken to see that the school is removed to Mr. Kachole's building ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) The owner of the school house gave some additional rooms for the use of the school in 1926-27 and the area of the school house at present is 1,940 square feet and not 1,200 square feet. The present accommodation is sufficient for 190 boys at the rate of 10 square feet per boy.

(c) Yes.

(d) Mr. Kachole's building is better and more suitable.

(e) Yes.

(f) The matter was referred to the Chairman, District School Board, whose reply is awaited.

#### EDUCATION OF CHILDREN OF GOVERNMENT SERVANTS AT NASIK

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state what provision has been made for the education of the children of those who are employed in the Government Distillery, the Security Press, etc., at the Nasik Road ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is a school located in one of the Distillery buildings, teaching up to the Vernacular IV Standard and open to children of employees in the Distillery, the Security Press, etc.

Mr. R. G. PRADHAN : Is the school referred to in the reply intended for the children of the depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

#### SCHOOL AT PIPARIA

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) whether there is a school in the village of Piparia, taluka Mandvi, district Surat ;

(b) whether the village people have applied to Government for opening a school in this village ;

(c) whether there are 39 boys and girls fit for attending the school in this village ;

(d) whether the village people are willing to give a building for the school free if a school is opened in this village ;

(e) whether Government have considered the request of the village people for a school in their village, and if so, what decision they have arrived at ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No.

(b) Yes.

(c) It is understood that there are about 35 boys and girls who would join the school, if one is opened.

(d) No. They agree to build a chhapri (hut) for school purposes.

(e) Pending the solution of the differences between the District Local Board and the Department, the request of the village people could only be entertained when some moribund school in the district has to be closed for want of numbers and attendance, or the financial situation improves.

Rao Bahadur B. R. NAIK : Is it not the rule that a school should be opened where there are 35 pupils to attend the school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : But the rule is general.

#### HOSTELS FOR DEPRESSED CLASSES IN GUJARAT

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) whether they are aware that the number of the depressed class population is very great in Gujarat ;

(b) whether it is a fact that no steps have been taken as yet by them to open boarding houses for the boys of these classes in the principal cities of Gujarat, viz., Ahmedabad, Surat, Broach, Kaira and Godhra ;

(c) whether they intend opening boarding houses or hostels at any of these cities in the near future ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The number of the depressed class population in Gujarat is 249,639.

(b) Yes.

(c) No definite statement can be made at present.

#### SCHOOLS : COMPULSORY STUDY OF HINDI

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) whether they have considered the question of making the study of Hindi compulsory in the primary and secondary schools in the presidency and in Gujarat in particular ;

(b) if so, what conclusion they have arrived at ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) The question of providing instruction in languages other than the recognised vernaculars, particularly Hindi, is under the consideration of Government.

## DHOLERA VILLAGE SITE : RIGHTS OF CITIZENS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether copies of all the old documents in possession of the citizens of Dholera have been supplied to the Collector of Ahmedabad District ;

(b) if the answer to (a) is in the affirmative, what action Government have taken to safeguard the rights of the citizens of Dholera over the village site of Dholera ?

The Honourable Mr. J. L. RIEU : (a) Copies of some of the old documents have been lately supplied to the Collector.

(b) The question is under consideration.

Mr. J. C. SWAMINARAYAN : How long will it take to come to a decision ?

The Honourable Mr. J. L. RIEU : I am unable to inform the honourable member.

## LAND TRANSFER FEE CHARGED BY INAMDAR OF SAHIJPUR BHOGA

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Inamdar of Sahijpur Bhoga, a village in North Daskroi Taluka of Ahmedabad District, charges a fee of Rupee one for the transfer of land from the name of one Khatedar to another by sale or inheritance, calling it Sakar Najarana of the Inamdar ;

(b) if so, what steps they have taken to stop that illegal levy of the Inamdar on the cultivators ?

The Honourable Mr. J. L. RIEU : (a) Yes. The Inamdar states that at the time of mutation of names he charges a customary nazrana. The amount is not fixed at one rupee, but varies in different cases.

(b) No steps have been taken as no complaint has been received from the tenants nor have any facts been adduced showing that the charge is an illegal one.

Mr. J. C. SWAMINARAYAN : Under what section of the Land Revenue Code is this Sakar Najrana levied ?

The Honourable Mr. J. L. RIEU : Under no section.

Mr. J. C. SWAMINARAYAN : Why is it allowed to be charged if it is not provided in any section of the Land Revenue Code ?

The Honourable Mr. J. L. RIEU : It has not been shown to be illegal.

Mr. J. C. SWAMINARAYAN : It is not provided in any section of the Land Revenue Code : that means that it is illegal.

The Honourable Mr. J. L. RIEU : It is a private transaction between private parties.

## LAND REVENUE COLLECTION : INSTALMENTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether it is true that the minimum amount of land revenue payable in one instalment has been increased by them from Rs. 5 to Rs. 20 ;

(b) if the answer to (a) is in the affirmative, the reasons why the poor cultivators paying land revenue between Rs. 5 and Rs. 20 have been deprived of their right to pay their land revenue in two instalments like the other more well-to-do cultivators ;

(c) if the answer to (a) is in the negative, whether Government are aware that talatis compel the cultivators to make all payments of land revenue between Rs. 5 and Rs. 20 in one instalment, and what steps Government have taken to stop the said practice of talatis which presses more heavily on the poor cultivators ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) Does not arise.

(c) No such cases have come to the notice of Government.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Sir, may I ask my question at page 9 of this list ?

The Honourable the PRESIDENT : I want to bring to the notice of honourable members that if they have questions to ask they must be in their places at the proper time. This moment I notice that we have some time at our disposal and I shall make an exception and allow. In future, they must be careful : I will not allow it. At any rate, I am not going to allow supplementary questions.

#### AIDED SCHOOLS IN KARACHI : GRANTS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that as a general rule no middle or high school is recognised, unless it has worked for more than a year to the satisfaction of the Educational Department ;

(b) the recurring and non-recurring grant-in-aid paid last year in Karachi to—

(1) the Model High School started last year, which now maintains Sindhi classes only ;

(2) the Gujarati Middle School, started last year and attended by Gujarati Hindu students only ;

(3) the Mission High School ;

(4) the Karachi Academy High School ;

(c) whether it is a fact that, as a rule, grants for 1926-27 were paid on the basis of expenditure incurred during the year 1925-26 ;

(d) the amount of expenditure incurred in 1925-26 by each of the four schools mentioned in clause (b) above, respectively, and the proportion of the grant-in-aid to the expenditure in each case ;

(e) whether they are aware that—

(1) the Karachi Academy High School has a total existence of over ten years ;

(2) that it received annual grant-in-aid of about Rs. 2,500 when it was only a middle school branch of Madressah Hasani ;

(3) that it is now a high school managed by an educational society, registered under Act XXI of 1860, composed of prominent and leading Parsi, Hindu and Muslim gentlemen ;

(4) that it is attended by Hindu as well as Muslim students having Gujarati and Urdu as their vernacular ;

(5) and that it only receives Rs. 1,800 as grant-in-aid ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) As a rule, a new school should be in working order before it is inspected by the Department to ascertain its fitness or otherwise for recognition and registration. There is no rule that it should necessarily be in existence for at least one year before it is recognised.

(b) Grants as under were paid in 1926-27 :—

		Recurring Rs.	Non-recurring Rs.
(1) Model High School, Karachi	..	8,227	2,325
(2) Karachi Middle School	..	1,514	....
(3) C. M. S. High School, Karachi	.	11,322	....
(4) Karachi Academy	..	2,015*	....

\* Rs. 1,895 ordinary, Rs. 120 extra.

The Model High School, Karachi, admits non-Sindhi boys to standards V, VI and VII. The Karachi Middle School is not reserved for Gujarati Hindu students only. It is open to all Gujarati-speaking communities. Hindus, Parsis, Muhammadans, etc. In fact, there are pupils from the Muhammadan, Parsi and Jain communities studying in this school.

(c) Yes. But the Model High School, Karachi, and the Karachi Middle School were paid grants under rule 6 of the Grant-in-aid Code as these schools were started in order to accommodate boys who could not be admitted to the N. J. High School, Karachi, owing to the gradual abolition of the Double-Shift System.

(d) The first two Schools were not in existence in 1925-26 [*vide* answer to (c) above]. With regard to the other two schools the admitted expenditure in 1925-26 was as under :—

C. M. S. High School, Karachi	Karachi Academy
Rs.	Rs.
34,730	11,349

The proportion of grant-in-aid to expenditure works out as under :—

C. M. S. High School, Karachi	Karachi Academy.
Approximately 33 per cent. calculated on expenditure for 1925-26.	Approximately 17 per cent. calculated on expenditure for 1925-26.

(e) (1) No. The VII standard was opened only on the 1st April 1927.

(2) Yes. The grants received were as follows :—  
Rs.

2,200—Ordinary grant.

335—Special as a Muhammadan school.

180—Supplementary.

Total .. 2,715

- (3) Yes, but standard VII was opened only on the 1st April 1927.
- (4) Yes, but boys of the Borah community are in the majority.
- (5) It received Rs. 2 015 as grant last year.

Mr. M. S. KHUHRO : Is the Honourable Minister aware that the number of students in the Academy is much more than in any of the other two schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, it appears so from the figures.

Mr. M. S. KHUHRO : Then, why is it not given more grants ?

The Honourable Dewan Bahadur HARILAL D. DESAI : All these questions are being considered on their merits, and if the honourable member has any facts about any particular schools he can bring it to the notice of the Minister for Education.

Mr. M. S. KHUHRO : Cannot the Honourable Minister see that the grants made to the Academy is small in spite of the fact that it has more students and is more useful ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the honourable member will be pleased to discuss the matter with me afterwards I will explain to him.

Mr. N. A. BECHAR : It has been pointed out by the honourable member Mr. Khuhro that the particular school he referred to (the Karachi Academy) has more students than the Model High School and the other schools. Is it a fact ? I know it is not a fact. Is it also a fact.....

The Honourable the PRESIDENT : One question at a time.

Mr. N. A. BECHAR : Is it a fact that the Karachi Academy has more students than the Model High School or the Gujarat Middle School ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot exactly tell you (Inaudible).

Mr. N. A. BECHAR : Is it a fact that only Hindu Gujarati boys are learning in the Gujarat Middle School ? I know there are some Muhammadan students also in that school.

The Honourable Dewan Bahadur HARILAL D. DESAI : I have already said that it is open to all Gujarati speaking communities.

#### ANNEWARI : ADWAL AND JALIA

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Commissioner, N. D., had received an application from the talukdars of Adwal and Jalia to reconsider their case ;

(b) what has the Commissioner done in the matter beyond forwarding the same to the Collector ;

(c) whether the Commissioner during his last visit to Dhandhuka Taluka visited these villages to understand for himself the case ;

(d) if answers to (b) and (c) are in the negative, their reasons for the same ?

The Honourable Mr. J. L. RIEU : (a) The Commissioner received an application from the talukdars to the effect that they apprehended that the annewari framed by the local officers would not be correct and praying for suspension.

(b) As the petitioners had not stated whether they had applied to the Collector or not, the petition was returned to them for submission to the Collector.

(c) and (d) The Commissioner did not visit these villages, as no further petition was received by him.

Mr. A. D. SHETH : With regard to (e), will the Honourable Member kindly state the names of the villages which the Collector visited ?

The Honourable Mr. J. L. RIEU : I require notice of that.

Mr. A. D. SHETH : The villages mentioned in my question (e) are villages on Bavaliari side. Did the Collector visit those villages ?

The Honourable Mr. J. L. RIEU : I am unable to say whether the Collector toured on that side.

Mr. A. D. SHETH : My question was "whether the Collector visited any of the villages on Bavaliari side" and the answer is not clear. I want to know whether any of the villages on the Bavaliari side were visited.

The Honourable Mr. J. L. RIEU : I shall enquire about this and inform the honourable member.

#### AHMEDABAD COLLECTOR IN DHANDHUKA TALUKA

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Collector of Ahmedabad camped at Dhandhuka for over a week in the month of January ? If so, for how many days ;

(b) whether there was a complaint then that crops had been spoiled a good deal by excessive rains and by insects in some villages of the Taluka ;

(c) whether just at the time of the Collector's camp in the Taluka the Taluka Local Board of Dhandhuka had appointed a committee to inquire into the reported bad conditions of crops and consequently of people and the committee had already toured when the Collector was camping at Dhandhuka ;

(d) whether it is a fact that the Government themselves thought it fit to suspend revenue collections in full in about 20 villages and half in some ;

(e) whether the Collector visited any of the villages on Bavaliari side, where Government decided to give full suspensions ;

(f) the total number of villages where the Government gave total or partial suspensions as also of those for which the Local Board Committee made their recommendations ;

(g) whether the Collector attempted to understand the situation from the Local Board Committee or any one or more gentlemen of that committee ? If not, why not ;

(h) the total number of villages he visited out of 156 villages of the Taluka during his camp in Taluka and what he did to correctly understand the situation of distress in the Taluka ?

The Honourable Mr. J. L. RIEU : (a) Yes, for nine days from 13th to 21st January 1927.

(b) Yes.

(c) Yes.

(d) Yes, in 19 villages full suspensions were granted.

(e) Yes. The Collector visited some of the villages where full suspensions were granted.

(f) Full suspensions were granted in 19 villages and half suspensions in 19 villages. Out of the 11 villages recommended for full suspension by the Local Board Committee, half suspensions were granted in eight and in the remaining three the full revenue was ordered to be collected.

(g) The Local Board Committee did not call upon the Collector and represent the facts to him whilst he was at Dhandhuka : but he had the Committee's report before him when he passed his orders.

(h) The Collector actually visited six villages and he saw the crops of several others on the way during his stay in the Taluka. By this means he was enabled to appreciate the situation in the Taluka.

#### ANNA VALUATION, DHANDHUKA TALUKA

Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state —

(a) whether the Collector of Ahmedabad had received a report of the Dhandhuka Taluka Local Board Committee of the conditions and the anna estimates of crops in some of the villages in the Dhandhuka Taluka ;

(b) whether the Collector gave any consideration to this report when passing final order of revenue collections in those villages, and if not, why not ;

(c) whether it is a fact that the Assistant Collector considered the anna estimates of the Dhandhuka Taluka Local Board Committee and agreed with most of them ;

(d) whether in view of the fact that the Local Board Committee had made a special tour and inquiry in the affected villages and in view of the further fact that the Assistant Collector after a personal tour and inquiry had agreed to most of the conclusions of the committee, the Collector took any particular care to understand the situation in those villages and made any particular inquiry before passing the orders of revenue collections ? If not, why not ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) The Deputy Collector, Dholka Prant, considered the anna estimates of the Dhandhuka Taluka Local Board Committee and agreed with some of them only.

(d) Government are satisfied that the Collector made all reasonable enquiries before passing orders.



Khan Saheb A. M. MANSURI : Sir, question No. 1 in page 23.

The Honourable the PRESIDENT : Which is the list which the honourable member refers to ?

Khan Saheb A. M. MANSURI : First list.

The Honourable Sir CHUNILAL MEHTA : Sir, I am very loath to raise any question about your allowing questions to be asked from the previous lists, but I find, Sir, that honourable members here do not even possess copies of the question lists Nos. 1 and 2, nor have they any files from which they might answer supplementary questions. I would like to know, Sir, whether you would allow questions from lists which were placed three, four or five days previously to be put now. If there is any question of particular importance which an honourable member wishes to ask, perhaps you might allow an exception ; but generally speaking it would be very difficult to go back to lists which are many days old.

The Honourable the PRESIDENT : I quite agree with the Honourable the Leader of the House, and I have said quite as much. If the honourable members are not in possession of their files and their lists, I do not allow the questions.

Mr. B. V. JADHAV : I do not think there will be any difficulty in allowing these questions to be put, if you disallow any supplementary questions.

The Honourable the PRESIDENT : I have already said that I would not allow supplementary questions, but honourable members have not got the lists.

Mr. B. V. JADHAV : They may simply say " as printed. "

The Honourable the PRESIDENT : I think it is unreasonable that questions should be asked from the first list when we have gone through three other lists. The honourable member could have taken the opportunity to ask his question when the other lists were before the Council.

Khan Saheb A. M. MANSURI : Sir, I informed the Secretary immediately the other day, and he told me that I might ask for permission when the next list of questions was before the Council, and I now put the questions accordingly.

The Honourable the PRESIDENT : It must be clearly understood that it is really a matter of the time of the House more than the convenience of the Members of Government. After the third list was finished, no other list has been placed before the House until to-day, and it would be legitimate if questions were asked from the third list to-day, because there was no opportunity to any honourable member who was absent on the day the third list was before the House to ask for permission between that day and to-day. But it would not be reasonable to ask questions from the first two lists.

Khan Saheb A. M. MANSURI : Then, may I ask my questions in the third list ?

The Honourable the PRESIDENT : Yes.

## AHMEDABAD CITY WALL

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether they have received any memorial from the public of Ahmedabad, both Hindus and Muhammadans, regarding the demolition of the city walls, Ahmedabad Scheme No. 5;

(b) if so, the names of the memorialists;

(c) the main grounds put forward in the representation;

(d) whether they are aware of the fact that the Muhammadan members of the Ahmedabad Municipality, one and all, are against the demolition of the city wall scheme;

(e) whether they are aware of the fact that the city walls were built by four Ahmeds (including King Ahmed Shah) and twelve Bavas who were and still are held in great reverence both by Hindus and Muhammadans;

(f) whether they are aware of the fact that the said city walls of Ahmedabad are considered to be very sacred by both the sister communities;

(g) whether they are aware of the fact that the portions of the city wall to be demolished are its northern and eastern portions;

(h) whether they are aware of the fact that the windward side is always the southern and the western one and not the northern and eastern one;

(i) whether they have made any enquiries as to the fact that there is no scope for any further expansion of the city on its northern and eastern sides owing to the close proximity of the mill area on both these sides;

(j) what steps they propose to take in the matter?

The Honourable Sir GHULAM HUSSAIN (a), (b) and (c) Already replied to.

(d) Nine out of 12 Muhammadan members in the Board have voted against the scheme. The remaining three were absent.

The scheme was passed unanimously in 1919 and 1923 when all the Muhammadan members including some of the present members who have now voted against had supported the scheme even though the former scheme affected a much larger area and a greater number of houses.

(e) and (f) Already replied to.

(g) Some portion of the Northern, Eastern and also the Southern part of the wall is proposed to be demolished.

(h) It is not always so. Occasionally the wind does blow from the eastern side also.

(i) There is considerable scope for development on both the sides as there are a large number of open plots in the proposed scheme which are capable of being developed.

(j) Already replied to.

Rao Bahadur B. R. NAIK : May I be allowed to ask Rao Saheb Desai's questions from the third list?

The Honourable the PRESIDENT : The honourable member who puts the question was absent and the honourable member who was deputed to ask the question was also absent. I do not think therefore it is reasonable to allow it.

Mr. J. C. SWAMINARAYAN : Before we proceed with the business I wish to move the adjournment motion of which I have given notice . . . .

The Honourable the PRESIDENT : My consent has not been obtained. I have several motions like that to be considered.

(*Further consideration of Bill No. XXI of 1927, Bombay University Bill, resumed.*)

Clause 14 (*Office vacated by leaving India*) ordered to stand part of the bill.

Clause 15 (*Vacating of office*) ordered to stand part of the bill.

Clause 16 (*Term of office of ordinary Fellows*) ordered to stand part of the bill.

Clause 17 (*The appointment of a Fellow may be cancelled*).

The Local Government may, on the recommendation of the Senate supported by at least two-thirds of the whole number of Fellows, cancel the appointment of any person appointed or elected a Fellow of the University. As soon as such order is notified in the *Bombay Government Gazette*, the person so appointed or elected shall cease to be a Fellow.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : I move :

In clause 17, Substitute "three-fourths" for "two-thirds."

Sir, . . . . .

The Honourable the PRESIDENT : Order, order. Before we proceed with the discussion, I should like to bring to the notice of the honourable House that the amendments, as I have already pointed out, are many and so are the clauses before us. We have taken a number of days for this bill and honourable members will save their time if they limit their speeches and if only a few speak on each amendment. Otherwise I would be readily willing to accept closures and in that case I would naturally disappoint many honourable members.

Mr. J. C. SWAMINARAYAN : Sir, this clause has been taken from the old Act. It is an antiquated clause. It gives power to the senate to disqualify a member of the senate. Such a thing should not be allowed and it would be desirable to delete the whole clause. But if it must remain, such a power as disqualifying a fellow of the senate should be made as impossible as possible. Sir, there should be some symmetry in the bill. The appointment of the rector which was not at present necessary was provided by a statute which requires a majority of three-fourths of the whole number of fellows. This is a matter more important than that. It is a question of disqualifying one of their colleagues and unless there is a very strong reason for it the senate of the university should not be allowed to utilise this power. Therefore in order to preserve the symmetry of the bill and in order that such power may not be lightly used on all occasions I should like to provide that at least three-fourths of the whole number of fellows must be required for the purpose of cancelling the appointment of the fellow elected or appointed to the Senate

[Mr. J. C. Swaminarayan]

of the university. I therefore move that "two-thirds" may be dropped and in its place "three-fourths" may be inserted.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Mr. President, I rise to support the amendment moved by my honourable friend for the Ahmedabad rural. Sir, when this bill was discussed in this House at its first reading I had taken a strong exception to this provision. I have then pointed out that the Honourable Minister for Local Self-Government in his Major Municipalities Act and other Acts had altogether done away with the disqualifying clause. And as such surely a member of the senate is certainly not considered as inferior to a member of the municipality in integrity or any other attributes and that there is hardly any reason for adding this unworthy clause in the bill. Sir, it has not been pointed out to this House that during the existence of so many years of this university a fellow was found unworthy to sit on the senate and that recourse had to be taken to disqualifying him for certain unworthy acts which he had committed. In the absence of any proof of that kind I think the time has come to remove that clause altogether. After all, Sir, this provision gives no definite description as to the circumstances in which a member may be disqualified and since it has been left to the discretion of the senate by a two-thirds majority to unseat a fellow elected by his constituency I think it is reasonable that at least three-fourths of the number, as proposed by my honourable friend from Ahmedabad, should be provided. As a matter of fact, Sir, I personally feel that this power is not necessary at all until and unless you are able to define the circumstances in which alone a member can be unseated. It is a very dangerous clause to be allowed to pass without protest and the least you can do is to put this clause on a par with the question of the appointment of the rector. I therefore strongly support the amendment.

Mr. K. M. MUNSHI (Bombay University): Sir, I rise to support the clause as it stands and I oppose the amendment moved by my honourable friend Mr. Swaminarayan. I have only one consideration to urge namely that some persons are very difficult to please. This clause is a distinct advance on the clause as it stood at the first reading. But if this clause is altered as is now sought to be done it would reduce the university to this position. If a fellow is convicted and sentenced to rigorous imprisonment for 7 years for criminal misappropriation and breach of trust still he will continue to be a fellow of the university and take part in the control of the university.

The Honourable the PRESIDENT: That is not the point. The point is whether the number should be two-thirds of the whole number or three-fourths.

Mr. K. M. MUNSHI: The number 'two-thirds' is of the whole number. As I have already mentioned, Sir, three-fourths of the members is an impossible number to achieve, and, therefore, it is necessary for the University to retain this clause and not to reduce the clause to such an impossible one as to make it inoperative. The only fear which I expressed

[Mr. K. M. Munshi]

at the first reading was that some public man who invites the wrath of the Government might be deprived of the fellowship by a two-thirds of the number of fellows present. But that danger has now disappeared for this reason, for the number is now increased to two-thirds of the whole number of fellows. Therefore, there must be first, roughly 100 fellows, who must be prepared to consider the person concerned as an undesirable. And secondly, the last part of the clause has been removed, the effect of which is this: If he is nominated, then necessarily Government will have the right to renominate him if they want. But, if he is an elected fellow, then all that he has got to do is to go back to his constituency and get himself re-elected. So, the deletion of the last clause is a distinct improvement and it would invariably prevent a public man of any standing from being driven out of the University by any amount of influence that may be exerted against him into the Senate. Therefore, Sir, I think this clause as it stands is really in the interests of the University and must be allowed to stand.

Mr. R. S. ASAVALE (Bombay City, North) : Mr. President, I had no mind to speak on this amendment, but, as the previous speaker the honourable member for the University has spoken that three-fourths number of the fellows will not be found in the University Senate when this question comes in there for the discussion, then I am afraid I must ask him as to how is it that the amendment that was passed for the appointment of a Rector required that a three-fourths majority is necessary will be found in there at that time? Why was that amendment passed at all when a majority of three-fourths will not be obtained? There a majority of three-fourths will be obtained, but here in the case of discontinuing the fellowship of a gentleman it will be very difficult for the Senate to get the three-fourths majority! I was really astonished to hear the member for the University saying in the one case they can get the majority and in another case they would not. It is quite absurd, and I am quite sure they have decided only to pass the bill as it is, as per their compromise with the Minister of Education and nothing else. With these few words, I resume my seat.

An Honourable MEMBER : I move the closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the honourable member for the University said that a man convicted of criminal offence may have to be caught hold of. But I assure him that no such person will be caught hold of. This clause is to be used against men who are working in the political field, and, therefore, we should wish that the majority must consist of three-fourths and not of two-thirds. Of course, there may be 40 or 45 fellows who may be directly nominated by Government, and there may be others also who may not like the presence of extremists, and then they may come forward and disqualify a fellow like Mr. Ghate. They should not be allowed to do so with such a small majority as two-thirds for the purpose. It is clearly a barbarous and uncivilised way of disqualifying. It is handed down from the Act of

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1857, and it must have been passed at the time of the mutiny. But when we have gone so far, such a barbarous clause ought not to be allowed by the Honourable Minister for Education to remain on the statute book. But if it is intended by the Minister to retain it on the statute book, he must be generous enough to grant a three-fourths majority as in the case of the Rector. Otherwise, if he does not allow a three-fourths majority and if he sticks to his guns and wants two-thirds majority, then we have every reason to believe that he is not standing for the democratic ideal which he ought to represent when he is a popular Minister. Therefore, I hope he will be generous enough to grant three-fourths majority and not stick to his guns in season and out of season.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, the original clause 7 of the Act of 1857 provided that the Governor of Bombay in Council may cancel the appointment of any person already appointed as a fellow. There, the power was absolute in the Governor in Council. Consequently, in the present bill the power has been in the first instance left to the Senate, and the Governor in Council cannot of his own accord or decision move in the matter, and it has been further safeguarded by providing that unless two-thirds of the whole number of fellows agree to the cancellation, the provision of the section shall not apply. Under those circumstances, Sir, I submit that the apprehensions of my honourable friend are not well founded, and the section as safeguarded as it is at present was allowed to stand in the select committee with the addition of the words "whole number" in order to provide a further safeguard. Under those circumstances, there being three safeguards, the intervention of the Senate first, then the intervention of a two-thirds vote, and thirdly two-thirds of the whole number of fellows, I submit that the honourable House will allow the clause to stand as it is and will turn down the amendment of my honourable friend.

Question put. House divided. Ayes, 11 ; Noes, 45. Motion lost.

*Division No. 10.*

**Ayes**

ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BOLE, Mr. S. K.  
HAJI MIR MAHOMED BALOCH, Mr.  
JADHAV, Mr. B. V.  
KAMBLI, Rao Bahadur S. T.

LIGADE, Mr. S. P.  
NAVLE, Mr. N. E.  
RAHIMTOOLA, Mr. HOSENALLY M.  
SWAMINARAYAN, Mr. J. C.  
VANDEKAR, Rao Saheb R. V.

*Tellers for the Ayes :* Mr. J. C. SWAMINARAYAN and Mr. R. S. ASAVALE.

**Noes**

ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DASTUR, Khan Bahadur F. M.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.

DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
HAMILL, Mr. H.  
HATCH, Mr. G. W.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
JOG, Mr. V. N.

[Harilal D. Desai]

Noes.—*contd.*

JONES, Major W. ELLIS  
 KALE, Rao Bahadur R. R.  
 KARKI, Mr. M. D.  
 LALJI NARANJI, Mr.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 MUNSHI, Mr. K. M.  
 NANAL, Mr. B. R.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.

PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PRADHAN, the Honourable Mr. G. B.  
 RIEU, the Honourable Mr. J. L.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

*Tellers for the Noes :* Mr. K. M. MUNSHI and Mr. B. G. PAHALAJANI.

The Honourable the PRESIDENT : I would again request honourable members not to insist on divisions if particularly the results are as we have seen. There might be important amendments although they may be lost, and I can understand the spirit and the feeling of certain members that a division should be asked for, so that names might be recorded, but not in every case.

Mr. B. V. JADHAV (Satara District) : Sir, I move the following amendment to clause 17 :—

In clause 17, add the following words at the end :—

“ and he shall not be eligible for re-appointment or re-election until the disqualification has been removed by the local Government by a notification in the Bombay Government Gazette.”

This clause, as originally drafted by Government, contained these words but they were disallowed in the select committee by a very narrow majority. It is considered necessary that even if the senate passes a vote of disqualification against a particular member, there must be another chance for that member to represent his case. The amendment is intended to provide a sort of an appeal. If a member is disqualified on insufficient evidence or for unsatisfactory reasons, then if this amendment is carried he will have an opportunity of representing his case before Government and he will thus be able to save himself the ignominy of being thrown out of the senate. I therefore hope that Government will support this amendment and the original clause, as drafted by Government, will be finally passed by this House.

Question proposed.

Mr. K. M. MUNSHI (Bombay University) : Sir, only one word. On Saturday my honourable friend Mr. Jadhav spoke as a champion of the people. Now, when the Honourable the Minister of Education is proposing a clause which is really in favour of the people, my honourable friend finds fault with it. The only effect of this deletion is this, that if there is an elected Fellow, and his appointment has been cancelled by two-thirds of the whole number of Fellows, then all that he has got to do is not to ask the Local Government to remove his cancellation but to go back to his constituency and get re elected. That is the result of the clause as it stands. But no, my honourable

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friend Mr. Jadhav, who in the last division was carried away by the fascinating eloquence of my honourable friend Mr. Swaminarayan and went into the lobby with him, now suddenly turns against popular opinion to such an extent that he is prepared to hand over to Government the right of deciding whether a Fellow whose election has been cancelled should be elected by his constituency. He is willing to hand the power over to the Government when the Government say that they are prepared to part with the power. That is the position, and I submit that the amendment should be rejected.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the honourable member for the University (Mr. Munshi) says that the effect of the deletion of the words proposed to be added by the present amendment will be that the Fellow will be eligible for re-appointment and re-election. Now, if that is the intention, then in order to remove any ambiguity in the construction of this clause, let it be stated in clear terms that he shall be eligible for re-appointment and re-election. I do not think that the Honourable Minister will have any objection in putting down those words to clear up any ambiguity. Let the words "and he shall be eligible for re-appointment and re-election" be added at the end. Remove all ambiguity, if that is the intention.

The Honourable the PRESIDENT : Is that a new amendment which the honourable member is proposing ?

Mr. J. C. SWAMINARAYAN : No, it is not a new amendment. I want that the intention of the legislature should be made clear.

The Honourable the PRESIDENT : How can that be done, except by an amendment ?

Mr. J. C. SWAMINARAYAN : I am not moving an amendment. I am making a speech. Sir, the honourable member for the University has stated in so many terms that the intention of the clause is that the Fellow whose appointment is cancelled may be re-elected or re-appointed.

Rao Bahadur R. R. KALE : I rise to a point of order. It is not on the amendment before the House that the honourable member is speaking, but on something else.

The Honourable the PRESIDENT : I understand that the honourable member wants only to support the amendment.

Mr. J. C. SWAMINARAYAN : No, Sir. In reply to the amendment, it has been stated that the effect of the deletion of the words at the end of the clause is that the man will have an opportunity of going back to his electorate if he wants to be re-elected. I want the Honourable Minister to make that clear. If it is the intention of the legislature that the deletion of those words will have the effect of making the man eligible for re-appointment or re-election, I do not think that there will be any objection to those words being added.

The Honourable the PRESIDENT : There are only two courses left open to the honourable member, either to support the amendment



[The President]

or oppose it. There is no question of adding any words to the clause.

Mr. J. C. SWAMINARAYAN : Certainly, I oppose the amendment, because if the effect of the deletion of those words is what was explained by the honourable member for the University, then it is an advance on the original clause. But it is necessary that the ambiguity should be removed, and the facts stated clearly. I think it is possible for the Honourable Minister of Education to do it, when he replies to this amendment.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I do not understand why the select committee decided to omit the last paragraph of the clause. The clause as it stands amended by the select committee is absolutely inoperative ; because, suppose a member appointed or elected becomes so obnoxious and so intolerable that the Senate decide to cancel his appointment, what happens if the man is re-appointed at once by Government or re-elected ? The position becomes quite incongruous. The clause, as it stands, has no meaning. The power that we want to give to the Senate to oust a man for a certain period does not work at all if you give the man the chance of coming again to the Senate. I think that the select committee might have done better to allow that man to be out of the Senate for the life time of that Senate. I do not know, Sir, whether you will allow an amendment to the amendment of Mr. Jadhav to be moved saying that the words " and he shall not be eligible for re-appointment or re-election for the remaining life of the Senate " should be added.

The Honourable the PRESIDENT : That is not an amendment to the amendment. It is a negation of the amendment.

Mr. P. J. MARZBAN : The honourable member Mr. Jadhav wants that the person shall not be elected again until the local Government removes the bar. I say that the amendment might be amended this way, namely, add the words " and he shall not be elected for the life time of the Senate." Only in that case will the clause be operative. If you, Sir, rule the amendment out of order, then I have nothing to say.

The Honourable the PRESIDENT : The amendment is :

" Add the words ' and he shall not be eligible for re-appointment or re-election until the term of the office of that particular Fellow expires.' "

Does the honourable member want the words " until the disqualification has been removed by the local Government," etc., to remain ?

Mr. P. J. MARZBAN : I do not want those words to remain. All that I want is that he should not be re-elected or renominated for the rest of the term of his office.

The Honourable the PRESIDENT : That means that the rest of the words should go.

Mr. B. V. JADHAV : The amendment appears to be to delete all the words from my amendment and put the words he has suggested instead.

The Honourable the PRESIDENT : I cannot allow it.

Mr. P. R. CHIKODI (Belgaum District): Sir, I oppose the amendment moved by my honourable friend from Satara (Mr. Jadhav). The retention of the clause as it stood in the original bill means an encroachment upon the right of the electorate. For various reasons, the Senate may reject a Fellow, but there may be other considerations for which the electorate may wish that he should be elected again and be on the Senate. It may be all right for the University to say that a particular man should not be on the Senate, but it should not have the right of saying or dictating to the electorate which particular man should be chosen. The effect of retaining the clause as it was in the original bill therefore means an encroachment upon the right of the electorate, and therefore the words that appeared in the original clause have been omitted in the select committee. On this ground, therefore, I oppose the amendment.

Mr. B. V. JADHAV (Satara District): Sir, the honourable member for the University has given me a status that of the tribune of the people. I am really very thankful to him for the compliment. The people of Satara have sent me here to plead their cause and the cause of the down trodden people in other districts. I regret to observe, Sir, that the honourable member for the University is not very solicitous for preserving the dignity of the University which he has the honour to represent. The section as it stands says that the senate by a two-third majority can cancel the appointment of any person either elected or nominated as a fellow of the university and as soon as such an order is published in the gazette the person ceases to be a fellow. That is the clause as amended by the select committee. The honourable member for the university says that it gives liberty to the electorate to elect him again and to question the judgment of the senate. If the same man is sent back by election it means that the electorate are of opinion that the two-thirds of the fellows present at the meeting that disqualified the fellow are fools or something very akin to them. My amendment if accepted will leave the Government to accept the decision of the senate or to reconsider it and not allow that person to contest the election again until his disqualification has been removed by Government. It gives a certain sort of protection to the senate or else if the protection is not there the same person may be re-elected and the two-third majority of the senate may reject him again. This game may be played a number of times. (An Honourable Member: Demonstration.) Yes.

There was a time in the history of the British Parliament, Sir, when on some religious sentiment a man was not allowed to take an oath and sit in the Parliament and he had to seek election over and over again in order to show that the affirmation or oath was not exactly in the form in which the nation wanted it. This was a protest against a particular rule, and there was no slur on the legislative body for that decision. There are no such circumstances in the case of the vote of the senate. The senate will have to decide upon the circumstances of the election or upon the character of the man that has been sent to that body as to whether he is fit to be associated with, in other words, whether he is fit to be a member of the senate. If two-thirds of the fellows come to the

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conclusion that he is not a fit person for being associated with, there ought to be no chance of appealing to the electorate and the electorate should not have a chance of re-electing him to show that the fellows of the senate are not in their senses. The honourable member representing the university has not really seen what is to the interest of the learned body which he represents here. I hope he will not oppose it when he finally votes upon the amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, logically speaking the clause as it stood before the bill went to the select committee was and ought to be a proper part of this provision. However the select committee wanted to make this concession in favour of those whose appointment as fellow has been cancelled on the recommendation of the senate by the local government. It was argued that such a man should be allowed to stand for re-election and that to compel him to go to the forum of the local government will be hard on him. Therefore he was given the concession of going back to his electorate and place his case before it whether he has been rightly or wrongly disqualified as a fellow. Under these circumstances the provision was cancelled and a concession was given to the man who has incurred the displeasure of the senate. Therefore I think that the select committee having come to that conclusion the House will keep the clause as it stands without the amendment proposed by the honourable member Mr. Jadhav.

Mr. B. V. JADHAV : On a point of information. Does the Honourable Minister think that the members of the select committee or majority of the members of the select committee are endowed with a faculty of infallibility ?

Mr. J. C. SWAMINARAYAN : I want to know whether the interpretation of the honourable member Mr. Munshi is correct that a person who has been disqualified by the senate and re-elected by the electorate will be allowed to sit in the senate.

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no bar to a fellow whose appointment has been cancelled to stand for re-election.

Mr. J. C. SWAMINARAYAN : Will that disqualification come in the way of his sitting in the senate ?

The Honourable Dewan Bahadur HARILAL D. DESAI : What view the senate may take after such a person is re-elected I cannot say.

The Honourable the PRESIDENT : There are two circumstances in the clause : one is re-election and the other is re-appointment. What is the honourable member's question ?

Mr. J. C. SWAMINARAYAN : If, after rejection, a person is re-elected or re-appointed will the senate give him a seat ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As I said before the latter part ought to have been there and the select committee

[Dewan Bahadur Harilal D. Desai]

as a matter of concession took that view. So far as I am personally concerned I am not against the amendment.

Question put and carried.

Clause 17 as amended ordered to stand part of the bill.

Clause 18 (*Powers of the Senate*) ordered to stand part of the bill.

Clause 19 (*Faculties*) ordered to stand part of the bill.

Clause 20 (*The Syndicate*)

(1) The executive government of the University shall be vested in the Syndicate, constituted as follows from among the fellows :

- (a) the Vice-Chancellor ;
  - (b) the Rector, if any ;
  - (c) the Director of Public Instruction, Bombay ;
  - (d) seven persons elected by the members of the Academic Council from among themselves, provided that each faculty shall be represented by at least one member ;
  - (e) nine persons to be elected by the Senate from among the Fellows who are neither Principals, University Professors, University Teachers, Teachers nor Head Masters.
- (2) Every member of the Syndicate shall hold office for three years, or until he ceases to be a fellow, whichever period is shorter.

(3) The Senate shall frame Statutes prescribing the manner of election of elected members of the Syndicate and the conditions governing their term of office.

(4) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or a University Teacher or teacher or head masters, the question shall be decided by the Vice-Chancellor.

Mr. S. K. BOLE : Sir, I beg to move :

In clause 20 (1) (b) add the words " and the Chancellor shall nominate three to represent special interests. "

The appointment of Rector has been agreed to ; so, I do not move the first part of the amendment to delete " the Rector, if any. " Under the bill, the members of the Syndicate are to be elected. As honourable members of this House know, although there may be qualified Fellows in the Senate, it is very likely that they may not be elected to the Syndicate. Therefore, I think it would be proper that the Chancellor should be given the power of nominating three persons to the Syndicate. Sir, I know that the Honourable Minister stands on firm ground and that he will not budge an inch. I hope, however, that in this case the argument of efficiency and the bogey of communalism would not be brought forward. I hope that he will see his way to accept this amendment.

The Honourable the PRESIDENT : I would ask the honourable member if he does not think that this amendment would fit in better after (e).

Mr. S. K. BOLE : I have no objection.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I rise to a point of order. The present clause 20 was clause 19 in the original bill which was before the House for the first reading. When the original bill was before the House for the first reading, there were amendments for having nominations to the Syndicate which the honourable members Mr. Noor Mahomed, Mr. Bole and Mr. Khuhro had given notice of. With

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regard to these amendments, it is recorded in the official proceedings of the Council at page 726 (Volume XX) :

"The Honourable the President. The next amendment is from the honourable members Mr. Khuhro and Mr. Bole : It is :

"Clause 19 : In sub-clause (d) at the end of the word " Fellows " add the words " provided that at least five of them will belong to the Mahratta and allied castes, depressed classes and the Mussalman community in such proportions as may be fixed by the Chancellor."

So that, it was an amendment for nomination by the Chancellor to the Syndicate. It was not moved. You, Sir, will find at page 726 of the Debates (Volume XX) that Mr. Jairamdas Doulatram asked you :

"Do I understand, Sir, that these being amendments of principle, if they are not moved before the first reading is passed, they cannot be moved afterwards ?"

And you said : "It is so." Previous to that, there was also a clear statement made by you to that effect at pages 724-725 of the Debates (Volume XX). So, in view of that, this amendment which seeks to introduce the principle of nomination to the Syndicate is, I submit, out of order.

Mr. S. K. BOLE : Sir, may I be permitted to say one word ? I should like to point out to the Honourable Minister that that amendment was for the nomination of specific communities, such as the Muhammadans, the Marathas and others, but this is a general amendment, not dealing with any particular community at all. I do not think that comes in the way of your accepting it.

The Honourable the PRESIDENT : I certainly think that the amendment in form is of a general nature but in purport it would come to the same.

MOULVI RAFIUDDIN AHMED : I would like to say a word. The principle of nomination is already in the bill ; it is not a new principle but only the extension of the same to the syndicate. The amendment that you ruled out last time was on the ground that it had singled out particular communities for nomination. Here it is a general principle. Whether nomination to the syndicate should be allowed or not is a relevant matter.

The Honourable the PRESIDENT : It may be different in form, but the purport is the same. I, therefore, do not allow it.

Mr. B. V. JADHAV (Satara District) : I move :

In clause 20 (1) (e) delete the words "who are neither principals, university professors, university teachers, teachers nor head masters."

These words were not in the original bill. I do not think, Sir, that principals, university professors, university teachers, teachers and head masters should be ineligible for a seat on the syndicate. It is necessary that these men who form such an important part of the personnel in university teaching should not be debarred from working on the syndicate. I therefore move that these words should be omitted.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): I strongly oppose the amendment proposed by my honourable friend Mr. Jadhav. I regret that such an amendment should have been proposed. The syndicate is the executive body and it is, as it were, the committee of management carrying on the function of the non-academic portion of the senate. For carrying on the academic functions there is a separate council which is the academic council. Therefore this change is necessary. If you look at the provision as it stood originally you will find that we have the Vice-Chancellor and the Rector, the Director of Public Instruction, seven persons elected by the faculties from among the principals, university professors, etc., and nine persons, including at least one head master from among the fellows. We had 16 people that were to be elected from the professors and other principals. It made no distinct provision for allowing the election of non-expert people who are not connected with the Educational Department. It was therefore considered necessary and it is very necessary that when special representation is given to the academic council, namely, seven persons elected by the members of the academic council, the Director of Public Instruction and the Rector or the Vice-Chancellor, in all ten members, the non-academic portion of the senate should have a voice in the syndicate. Therefore the words "who are neither principals, university professors, university teachers, teachers nor headmasters" were added. If this amendment is carried the result will be that it would be difficult for any person who is a non-expert or a non-academician to come in. It was for this purpose that this provision was made. If these words are deleted only four seats at most will be made available for the non-expert people. I think my honourable friend should not press his amendment, because the opportunity given to non-academicians to enter the syndicate would be denied. I therefore submit to the House that this amendment should not be allowed.

Mr. B. V. JADHAV (Satara District): I do not think, Sir, that I should take up the time of the House by speaking on the amendment. I think the principals and teachers should not be made ineligible for a seat in the syndicate.

The Honourable Dewan Bahadur HARILAL D. DESAI: The complaint against the syndicate at present is that it is dominated by teachers; consequently by one sub-clause, namely, clause (d) seven persons are to be elected by the members of the academic council from among themselves, provided that each faculty is represented by at least one member and clause (e) provides for the election of nine persons by the senate from among the fellows and the restriction was added in order that the academic council may not out-number the others on the syndicate. I submit that it is deliberately put in there and the clause therefore should be allowed to stand.

Mr. B. V. JADHAV: May I ask for leave to withdraw the amendment?

Question put and leave granted.

Mr. B. V. JADHAV (Satara District) : Sir, I beg to move that :

In clause 20 (1), add sub-clause "(f) three persons nominated by the Chancellor from among the Fellows."

I am sure, Sir, that an objection on a point of order might again be raised that this amendment is out of order. I beg to state, Sir, that it is not out of order. I have not referred to any communal matters in this amendment. I only say "three persons nominated by the Chancellor from among the Fellows." As a matter of fact, Sir, all bodies have men nominated by Government. All the municipalities and district local boards have nominated members ; and in the case of the municipality for the city of Bombay, which is deemed as the biggest and best municipality, Government has a right of nominating certain members on their own behalf, not only on the Corporation but also on the standing committee. I claim, Sir, that the same provision is needed in the case of the Syndicate also. Under the bill the Senate has been greatly democratised. The majority of the senators will be elected men, and as the present constitution goes, Sir, all the special interests will, I am afraid, be not fully represented on the Senate. Therefore, it goes without saying that the constitution of the Syndicate also will not be fully or thoroughly representative, and, therefore, it is necessary that the Chancellor should have the power of nominating a certain number of members on the Syndicate to represent such interests as are not represented. To give the Chancellor the power of nominating men on the Senate and on the Syndicate.....

Rao Bahadur R. R. KALE : I want to raise a point of order. The point of order is that the principle of nomination, I understand was a matter for the first reading. The question is whether it could be introduced at the second reading. Apart from the question of communal representation, the question was whether any nomination of persons on the Syndicate is a matter of principle or not. I think it was ruled that it was a matter of principle. It is not a question about communities or anything. The question was the principle of nominating on the Syndicate was a matter of principle and consequently you ruled that, if at all it could be moved, it could be moved on the first reading.

The Honourable the PRESIDENT : I do not remember. Is there a ruling ?

Rao Bahadur R. R. KALE : The ruling is based upon that, not on any particular form of amendment. The question was whether anything by way of amendment which goes to say that there should be nomination on the Syndicate is not a question of principle. That ruling governs the decision given by the Chair on the last occasion.

The Honourable the PRESIDENT : No ; I think this is stretching the point too far. But, however, for the benefit of the House and for refreshing my own memory, I shall refer to the rulings on the point on the occasion.

(The Honourable the President read portions of the rulings.)

[The President]

There was a long discussion, I remember, on the question of communal representation ; and the whole discussion was directed towards that point mainly, and strongly objected to by the Honourable Minister. And the House came to a conclusion and a decision thereon. These amendments as to whether three or two, or by nomination or election are matters of detail.

The Honourable Dewan Bahadur HARILAL D. DESAI: I only want to draw your attention as to how the words are proposed there and on which you, Sir, gave the ruling. The ruling would only apply to nomination by the Chancellor and nobody else.

The Honourable the PRESIDENT: I must repeat that the question of communal representation was hotly discussed as a question of principle, and the House has decided it. Now, there is no question of communal representation in this amendment.

Mr. B. V. JADHAV: Sir, when I addressed the House on the first reading, I pointed out that the principle of nomination to correct any omissions for the representation of special interests was purposely put into the bill by the Honourable Minister, and I read certain passages from the statement of the objects and reasons to prove my contention.

The principle of nomination is not foreign to the enactment. Nomination has been put in the body of the bill in the case of the senate and it is not a new principle at all. Whether there should be nominated seats on the syndicate is a matter of detail. What constituency should there be in the election or nomination of the senate is also a question of detail, and therefore even communal interests were allowed to be discussed in this House in the second reading about the constitution of the senate. I therefore hold and I am very much obliged to you, Sir, for giving the ruling that my amendment is not out of order. I offer for the consideration of this House that as there is a fear that certain interests will not be adequately represented on the senate, the Chancellor should be given the power of nominating only three men on the syndicate. In all the bodies in India from the Legislative Assembly and the Council of State downwards and on all municipal and local boards and on all other elected bodies, Government have a right to nominate members. India is a country in which all the various interests cannot be adequately represented by any provision made by legislation or by any scheme of electorates. It is therefore thought necessary to provide some corrective and the corrective is left in the hands of Government. In this case I propose to give the Chancellor power to nominate only three men to represent those interests which will not otherwise be properly represented and I trust that the House will accept my amendment.

Question proposed.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to support the amendment moved by my honourable friend Mr. Jadhav and in doing so, I need not add any remarks of my own to what he has stated already except that as the Government has been in the habit of appointing



[Mr. R. S. Asavale]

members on all bodies, whether elected or not, such as district school boards and Bombay City municipality in the standing committee and that of the Improvement Trust and assemblies, they should accept this amendment.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, the decision given by the Chair is there, but I must place before the House the fact that the very identical point has been decided in this Council at the first reading. At the first reading, some amendments were tabled.....

MOULVI RAFIUDDIN AHMAD : On a point of order whether the honourable member will be justified in questioning your ruling now at all.

The Honourable the PRESIDENT : I do not suppose he is attempting that. If he does, he is out of order. He is pointing out what has gone before.

Mr. B. G. PAHALAJANI : I am not at all questioning your ruling, Sir. I have got the original amendments in my hand and the honourable member Mr. Noor Mahomed is mentioned on that page which you read just now. The amendment has been actually referred to and these are the words :—

“ Add new clause (e) after the words “ three members nominated by the Chancellor.”

Those are the words without any reference to communal representations or to communal members and these are the words in which the honourable member from Hyderabad, Mr. Noor Mahomed, had moved his amendment “ three members nominated by the Chancellor ”.....

Mr. NOOR MAHOMED : I did not move it, Sir.

Mr. B. G. PAHALAJANI : Exactly. He did not move it because the Chair ruled it out of order as it was considered to be a matter of principle. The Chair actually gave a ruling on these three amendments.....

Mr. B. V. JADHAV : The honourable member is going to question the ruling given by the Chair just now, Sir.

The Honourable the PRESIDENT : The honourable member is according to his lights, referring to the facts that have gone before. The ruling is there and I am not going to change it.

Mr. B. G. PAHALAJANI : I say, Sir, that the matter having been held to be matters of principle at the first reading, the matter was actually waived by the three honourable members, Messrs. Khuhro, Bole and Noor Mahomed, one of the amendments being exactly in the form in which the present amendment is. The dispute as to these matters of principle which can be raised only at the first reading has ended. I cannot understand the object of this amendment proposed by my honourable friend Mr. Jadhav. There is no necessity for it. I am surprised to find, that in any executive body formed out of an elected body, there are nominations to be brought in by Government. We have got municipalities. I think the honourable mover is a member of the Satara municipality. If he is not, I am sorry for him, but if he is, he will find that

[Mr. B. G. Pahalajani]

in the municipality of Satara there is a managing committee which is a body elected out of the general body but on which there are no nominated members. On the managing committee of a district local board there are no nominated members. Now, the amendment seeks to introduce a new principle altogether in the matter of the syndicate which up to now has never obtained therein. The syndicate has been in existence ever since 1857. When the Act of 1904 was passed during the days of Lord Curzon at a time when reaction was on foot it did not even then provide for nomination on the syndicate by the Chancellor. The honourable mover is trying to introduce a new principle now and it is more or less done, as was said yesterday, for introducing communal representation which has been laid at rest by the vote of the Council day before yesterday. I am sorry that the honourable member Mr. Jadhav should have restarted that debate. It will create a new precedent if we lay down that there should be nominations by the Chancellor to the syndicate.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I oppose the principle of nomination introduced in this amendment. Nomination is a very dangerous weapon in the hands of Government. I remember that when the Primary Education Act was passed a permissive provision was made about nomination of members to school boards. The words used were "Government may nominate," and at that time the Honourable Dr. Paranjpye, the then Minister for Education, gave an assurance that this permissive power of nomination to school boards would be used very rarely by Government, but unfortunately I find that this power has been used very often, perhaps in almost all cases. In that Act it was provided that if it be necessary to represent special interests, then Government may nominate members to school boards. But in season and out of season people have been nominated to school boards, and I can point out a sorry illustration.....

Mr. B. G. PAHALAJANI : The "sorry illustration" which the honourable member is giving seems to be out of order, Sir.

Mr. J. C. SWAMINARAYAN : I wish to point out how the principle of nomination becomes very dangerous in the hands of Government.

Mr. S. K. BOLE : Has the honourable member Mr. Pahalajani been delegated the power of the President ?

The Honourable the PRESIDENT : Order, order. Such questions affect the dignity of the House.

Mr. J. C. SWAMINARAYAN : I was merely trying to show how dangerous the power of nomination becomes if left in the hands of Government. In the Surat school board there was not the slightest necessity to have nominated members and yet Government did, under this permissive power, nominated three persons and thus converted a minority into a majority.

Mr. B. V. JADHAV : I rise to a point of order. The honourable member is saying that Government is incompetent to nominate, not that the principle of nomination is bad.

The Honourable the PRESIDENT : Where is the point of order ?

Mr. J. C. SWAMINARAYAN : In the case of the Ahmedabad municipality also, though all the interests were represented, Government nominated persons to the school board. Therefore, even to give a permissive power to Government, is giving a dangerous weapon in their hands. But in this amendment, the compulsory power of nominating persons is handed over to the Government. The amendment says "three persons nominated by the Chancellor from among the Fellows." That is to say, it is a compulsory provision, and every time three persons will be nominated by the Chancellor, and on an executive body like the Syndicate, such a power should not be entrusted to Government. I do not think that the interests of the backward or any other communities will be served by delegating such a power to Government. The result of this amendment will be that Government will nominate persons to safeguard their own interests. They will not do any good to any community. I think these communities are moving in a chimerical atmosphere, if they think that their interests would be served by nomination by the Chancellor. Therefore, I oppose this amendment, which has for its object the introduction of three more persons on the Syndicate nominated by the Chancellor.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I support the amendment. It is clear, that the fear in the minds of some of the honourable members is that a minority would be converted into a majority with the addition of nominated members ; and that fear is really responsible for not allowing nominations on the Syndicate ; that is the fear of honourable members who oppose the amendment, and I think that is the fear of the Honourable Minister also, and I maintain that this fear is communalism only expressed in another form. To keep out educationists getting on the Syndicate by the nomination door lest the majority of advanced Hindus should become a minority is the worst sort of communalism that could be introduced into a University ; it is simply the fear that they will not be able to keep all the power of the University under their own hand that is responsible for the opposition to the nominated members on the Syndicate. We have heard one honourable member, belonging to the so-called democratic party in this House opposing this amendment. England is believed to be the most democratic country in the world. and yet, on the Syndicate of the London University the Crown has the power of nominating six members. Some of the honourable members sitting here support the Honourable Minister, only because they want to remain clannish. I strongly support this amendment, because that is the only way of making the Syndicate a really efficient body. Otherwise, clannishness will continue to reign in the University.

Mr. N. A. RECHAR (Karachi City) : Sir, I rise to oppose the amendment moved by my honourable friend from Satara (Mr. Jadhav). The same point of view has been represented by the honourable member from Hyderabad (Mr. Noor Mahomed), and he has cited the case of the London University, forgetting—I do not know how he forgot it—that

[Mr. N. A. Bechar]

so far as the London University is concerned, six seats is the only number which the Government has the power of nominating, whereas, in this case, as it is, Government possess the majority of seats on the Senate, which means that Government has the bulk of the share in the administration of the University, and now, by this amendment, my honourable friend wants nomination on the Syndicate also. Sir, I quite sympathise with the feelings and aspirations of those honourable members who are supporting this amendment, which they are doing largely in order that the interests of backward communities might be safeguarded and under the conditions through which we are passing, certain kinds of safeguards may be considered necessary, and are inevitable. But, Sir, I put it to them whether or not 40 members who are going to be nominated on the Senate, largely in order to represent the interests of these communities is not a sufficient safeguard. If that is so, those members in their turn have the power of influencing the elections to the Syndicate. And if these 40 members who have the power of influencing the election to the Syndicate, so far as the 9 non-academic persons to be elected by the Senate are concerned, concert together and use their voting strength, I am sure the 3 members whom they want to be nominated by Government on the Syndicate, can be secured to them by election, with their strength of 40, and I suppose with the combination of some more. I do not know then why they are simply thinking of nothing but Government nomination and Government patronage. They do not want to stand to the slightest extent on their own legs. They have no confidence in themselves that their voting strength on the Senate will secure to them what they want, namely, corresponding representation on the Syndicate according to their numbers. Therefore, I think that it is a very slavish policy and a slavish mentality to fall back upon Government for every little thing. I think, Sir, that they ought to take their courage in their own hands, and if they find after three or four years working that these 40 members on the Senate are unable to secure to them the required representation on the Syndicate, then it would be time for them to come back to the Council and say that in spite of this provision their difficulties have not been solved, and then members like myself would sympathise with them, and it may be possible for them to plead with some reason. If they want that everything should be done by nomination, then I fail to see what progress we can make.

An Honourable MEMBER: Sir, I move the closure.

The Honourable the PRESIDENT: I accept it.

Mr. B. V. JADHAV (Satara District): Sir, when discussion is going to be stifled in this House.....

The Honourable the PRESIDENT: What is the object or aim of the statement which the honourable member has made?

Mr. B. V. JADHAV: There were so many honourable members who wanted to speak on this important amendment, that I think closure

[Mr. B. V. Jadhav]

was prematurely applied for by the Government benches, and Government is rather solicitous of getting the bill passed as it is.

The Honourable the PRESIDENT : I think every honourable member of this House is entitled, according to his discretion, to move for a closure, and the closure comes into effect only when the Chair accepts it, and it is the Chair when it accepts the closure that puts a stop to the discussion. Therefore the word "stifle" can only be used for the President, which I hope the honourable member does not do.

Mr. B. V. JADHAV : I never intended to use it in that sense. I wanted to bring to your notice that up to this time Government members and Secretaries of Departments had never applied for a closure. I think for the first time they have done so.

The Honourable Sir CHUNILAL MEHTA : No, they have done so repeatedly.

Mr. B. V. JADHAV : I think that duty was generally relegated to the nominated members.

I do not think I need say much on this point. The principle of nomination has been recognised in this bill, and I do not think I am going out of the right path if I ask for nomination on the Syndicate as well. Honourable members who opposed the amendment have trotted out certain arguments which need not be answered at all. The honourable member from Ahmedabad (Mr. Swaminarayan) said that Government always misuse the power of nomination that is in their hands. But if the Members of Government or if Government collectively are not fit to be entrusted with the power of nomination, it does not follow that the Chancellor is not in a position to make proper nominations, and here the power is proposed to be entrusted to the Chancellor and not to the Government.

I assure my honourable friend from Ahmedabad that by this he need not expect that a blunder will be committed. As regards the words of encouragement given by the honourable member from Sind I may express my gratitude to him. Forty members will be nominated by the Chancellor and it does not follow that all the 40 seats will go to the backward communities, and the Mussalmans. It is certain that all the principals ought to be on the Senate. Thirteen will come through the direct electorate created for them. Some more may get in through other provisions made in the bill. But it is plain that one or more will not find a place on the Senate. Therefore it is that those who will not be members of the Senate will have to be nominated by the Chancellor, or a number of the nominated seats will be taken up by principals. It goes without saying that until the Andheri College comes into existence and is in full working order, I do not expect that even one principal will belong to either the Mussalman community or backward community. So, all the 40 seats will not go to them. There are certain interests which will have to be given seats on the Senate. (Mr. N. A. Bechar : You will

[Mr. B. V. Jadhav]

get all the seats.) I may state for the information of my honourable friend from Sind that I do not expect that even 20 seats will go to the Mussalmans and non-Brahmins. In a house of about 150 members 20 men even if they stand together will not be able to do much. In the University there is no cumulative voting. There is one vote only for each candidate. It is rather hard to secure adequate representation through election. We have been asked to wait and see the results of the election that will take place. We are very certain about the results, because we have tasted often the fruits of such elections. I propose therefore that Government ought to retain the power of nominating certain members to the Syndicate. Government have retained already this power to nominate to the standing committee of the Bombay Municipal Corporation. I ask that the same principle should be recognised in the case of the University also. I therefore propose that the Chancellor should have the power to nominate 3 Fellows to the Syndicate.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, since the incorporation of the University of Bombay in 1857 up-to-date, that is, during the last 70 years, there has not been nomination to the Syndicate. (Interruption.) I do not want to be interrupted. In the Act of 1857 there was nothing of nomination to the Syndicate, though all the fellows were nominated. In Lord Curzon's University Act of 1904, section 14 (3) refers to the constitution of the Syndicate and there too no nomination was provided. Up to the present day we have no nomination on the Syndicate.

Mr. NOOR MAHOMED : Does the Honourable Minister mean that there should be no provision whatsoever for "nominations" in the Act passed by the provincial legislature?

The Honourable Dewan Bahadur HARILAL D. DESAI : I wish to draw the particular attention of the House to the history of the Bombay University as regards the constitution of the Syndicate during the last 70 years. During the discussion of the Act of 1904, the honourable member of the Government of India in charge of the bill said :

"There is a great deal in my honourable colleague's (Mr. Gokhale) account of his own University which I can cordially accept and I will admit that if the Bombay University stood alone the case for a Bill of this character would not be so strong as it is. The Western Presidency has enjoyed the advantage of being led in educational matters by men not only of great ability but of great wisdom."

So, the affairs of the Bombay University from 1857 to 1904 were conducted without any nomination on the Syndicate in a manner which received the unequivocal approval of the member in charge of education in the Government of India in 1904. Thereafter also the Syndicate has worked without any nomination very satisfactorily. I personally consider that it would be vicious to introduce this principle of nomination in the Syndicate and consequently it has been kept out.

A reference was made by some honourable members to municipalities and local boards. Perhaps they have not worked on those bodies. I may draw their particular attention to the provisions of the City

[Dewan Bahadur Harilal D. Desai]

Municipalities Act. Under Act III of 1901 there is no nomination provided for the managing committee. In the Major Municipalities Act of 1925 also there is no provision for nomination on the standing committee. So also in the Local Boards Act of 1923 there is no provision of nomination on the standing committee. The Bombay Municipality stands on a different footing and I do not consider that whatever is there should be followed by the University. This is a matter in which I think honourable members will allow the provision as it has been made by the select committee, and refuse to introduce the vicious principle of nomination on the Syndicate.

Question put. House divided. Ayes : 21 ; Noes : 48. Motion lost.

### Division No. 11.

#### Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb  
AHMAD, MOUVI RAFIUDDIN  
ASAVAIE, Mr. R. S.  
BIJARANI, Khan Bahadur SHER  
MUHAMMAD KHAN  
BOLE, Mr. S. K.  
DAWOODKHAN SHALEBHOY, Mr.  
GHULAM NABI SHAH, Khan Bahadur  
ISRAN, Khan Saheb GHULAM MUHAMMAD  
ABDULLAH KHAN  
JADHAV, Mr. B. V.  
JATOI, Khan Bahadur HAJI IMAMBAKSH  
KHAN

KAMBLI, Rao Bahadur S. T.  
KHUHRO, Mr. M. S.  
LAGHARI, Khan Saheb RAIS FAZAL  
MUHAMMAD  
LIGADE, Mr. S. P.  
NAVLE, Mr. N. E.  
NOOR MAHOMED, Mr.  
PATIL, Rao Saheb D. R.  
SOIANKI, Dr. PURUSHOTTAMRAI G.  
SYED MUNAWAR, Mr.  
THAKOR OF KERWADA, the  
VANDEKAR, Rao Saheb R. V.

Tellers for the Ayes Mr. B. V. JADHAV and Mr. R. S. ASAVAIE.

#### Noes

ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BECHAR, Mr. N. A.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DASTUR, Khan Bahadur F. M.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GUNJAL, Mr. N. R.  
HAMILL, Mr. H.  
HATCH, Mr. G. W.  
JATRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
JOG, Mr. V. N.  
JONES, Major W. ELLIS  
KALB, Rao Bahadur R. R.  
KARKI, Mr. M. D.

LALJI NARANJI, Mr.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MARZBAN, Mr. P. J.  
MEHTA, the Honourable Sir CHUNILAL  
MONTEATH, Mr. J.  
MUJUMDAR, Sardar G. N.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
OWEN, Mr. A. C.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
PRADHAN, the Honourable Mr. G. B.  
RIEU, the Honourable Mr. J. L.  
SHETH, Mr. A. D.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
THORNBUR, Mr. J. P.  
TURNER, Mr. C. W. A.  
WEBB, Mr. M.  
WILES, Mr. G.

Tellers for the Noes : Mr. B. G. PAHALAJANI and Mr. J. C. SWAMINARAYAN.

Mr. H. HAMILL : Sir, I move :

That in sub-clause (4) of clause 20, the word "head-masters" be replaced by the word "head-master."

It is really a question of language. The plural is to be replaced by the singular.

Question put and carried.

Clause 20 as amended ordered to stand part of the Bill.

Clause 21 (*Powers and duties of the Syndicate*) ordered to stand part of the Bill.

Clause 22 (*Constitution of the Academic Council*)

The Academic Council shall consist of the following members, all of whom need not be Fellows :—

- (i) The Rector, if any, otherwise the Vice-Chancellor ;
- (ii) Deans of Faculties ;
- (iii) such number of representatives not exceeding five of the University Professors and whole-time University teachers, as may be determined by Statute ;
- (iv) two Headmasters to be elected by the Senate from among the Fellows ;
- (v) twenty representatives of the Boards of Studies or groups of Boards of allied Studies as may be determined by Statute ; and
- (vi) five persons elected by the Senate from among Fellows.

Mr. H. HAMILL : I beg to move :

After the word "Vice-Chancellor" in line 7 of clause 22 (1) add the word "chairman."

I submit, Sir, that the Rector when he is appointed or the Vice-Chancellor ought to be chairman of the Academic Council. If either of these officers take part in the deliberations of the Academic Council it is only right that he should be the chairman of that body. The Rector or the Vice-Chancellor will be the principal executive officer of the University and it is incumbent upon him to guide the deliberations of the Syndicate and the Academic Council.

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI : I accept it.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : I rise to oppose this amendment. Sir, there was a provision in the original bill that the Rector, if any, or the Vice-Chancellor should be the chairman of the Academic Council and if you will refer to original section 23 or the new section 24 (1) it was provided that "the Rector, if any, shall be the chairman of the Academic Council. If there is no Rector the Academic Council shall elect its own chairman." These words were deliberately omitted by the select committee as it was the intention of the select committee that the Rector or the Vice-Chancellor should not be the chairman of the Academic Council. It was therefore provided that the Academic Council shall elect its own chairman and the power is given to the Academic Council. Now it is intended to centralise all power in the hands of one individual and if power is thus centralised it will become nothing but an autocracy. It was the intention of the select committee that the Rector or the Vice-Chancellor should not be the chairman of the



[Mr. J. C. Swāminarayan]

Academic Council. In the Academic Council the work that is to be done relates to academic matters and the members of the Academic Council will exercise their right of election and will elect the proper man who will be the fittest person for guiding the academic deliberations of that council. The Vice-Chancellor has been given under this bill all the powers. He is to be everywhere and it was only for that reason that the select committee provided that in the academic council the academicians themselves will elect a chairman who will guide their deliberations. When the select committee has taken out these provisions deliberately an attempt is now made to reintroduce the provision that was taken away. Now, Sir, we have always been adhering to what has been done in the select committee whether right or wrong. Some of the provisions were inconsistent and unsymmetrical and these provisions have been retained as they were because they were added by the select committee. The only argument advanced was that the select committee has done this and it must be adhered to. For example the provision was made that the member of the University who is elected by the graduates of the University should represent this council as an *ex officio* fellow, and although that provision stood at a place where it ought not to stand the argument that was advanced was that this was done by the select committee and therefore the Honourable Minister must stick to it. He would not budge an inch. But here the whole fabric is to centralise all power in the hands of one individual, namely, the Vice-Chancellor who will be appointed by Government. What is being done in the select committee is also thrown out. I strongly oppose this attempt to undo what is done by the select committee. It is right that he should preside over the syndicate, but he should not poke his nose in every affair. Let the academicians and people belonging to the teaching profession decide what is necessary to be done in the Academic Council. I oppose the amendment.

Mr. N. A. BECHAR (Karachi City): Sir, I entirely agree with the complaint made by my honourable friend Mr. Swaminarayan that the Government through its nominated Vice-Chancellor is allowed to dominate the whole University. But I find, Sir, that the honourable member for the Ahmedabad district himself has been responsible partly for creating the situation. If he had only taken care to omit the provision that the Vice-Chancellor should be *ex-officio* member on the Academic Council the position would be entirely different. You make that provision and then you tell the Vice Chancellor that he should sit there only as an ordinary member. It is an anomalous position. If the honourable member had the fear that the Vice-Chancellor would dominate the University in all its walks of life then that administrative head should not have been made *ex-officio* member on the Academic Council. Having committed himself to that position it is now difficult for him to try to get out of it. In this case I personally see some force of reason in the Government proposal, but I complain about the way the whole bill was hurried through the select committee and I am sorry that this House is not being treated fairly

[Mr. N. A. Bechar]

But under the circumstances there is no other go. I think my honourable friend will be well advised not to press his amendment.

Mr. H. HAMILL : I would like to point out that the argument that the work of the Academic Council is academical and therefore ought not to be presided over by the head of the University will not hold water. The work of the University is academic. The executive head of the University is primarily responsible for the efficient discharge of the University's prime function. The Syndicate has in addition to its academic functions, other executive duties to discharge. Nevertheless the fact that the executive head of the University is the president of the Syndicate ought not to be allowed to exonerate him from the duty of guiding the academic policy of the University. This policy is framed by the Academic Council. Hitherto I am afraid it has been difficult for a Vice-Chancellor, who is not directly concerned with academic matters, to acquit himself of his responsibility as the head of the University in academic matters. I maintain that that is a wrong position. If the Vice-Chancellor is the executive head of the University, then he must identify himself with the academic policy of the University and guide and support that and be responsible for it, and for this reason I think that, so long as we have no Rector, the Vice-Chancellor ought to be the President of the Academic Council.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I have nothing to add to what the previous speaker has said, except that when the Vice-Chancellor is on the Academic Council, it would be absolutely incongruous that there should be any other chairman. He is the executive head of the University and, when he is on the Council, he ought to have the right to preside.

Question put and carried.

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23 (*Election of the Academic Council*), ordered to stand part of the Bill.

Clause 24 (*Powers of the Academic Council*).

The Academic Council shall elect its own Chairman consistently with the provisions of the Act.

(2) The Academic Council shall frame regulations as provided in this Act and shall have the following powers :—

- (a) to regulate teaching and examinations within the University ;
- (b) to determine and maintain the standards of examinations, remaining responsible for the maintenance of such standards ;
- (c) to make regulations laying down courses of study subject to the approval of the Syndicate ;
- (d) to propose to the Syndicate institution of new University teaching appointments, their duties and emoluments ;
- (e) to propose to the Syndicate schemes for the constitution of University Departments, Faculties and Boards of Studies ;
- (f) to make regulations for the award of University scholarships and prizes ;
- (g) to recommend to the Syndicate appointment of examiners ;
- (h) to make regulations prescribing equivalence of examinations ;
- (i) to arrange for co-ordination of studies and inter-collegiate lectures ; and

(j) to make regulations prescribing the conditions to be complied with by candidates not being students of any College, for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University ;

(k) to exercise such other powers as may be conferred on it by statutes ;

(l) generally to advise the University on all academic matters.

**Mr. BALAK RAM :** Sir, I move the following amendment :

" In clause 24, omit sub-clause (1) and the figure ' (2) '."

Question put and carried.

**Mr. H. HAMILL :** Sir, I move the following amendment :

" In clause 24 (2) (d), after the word ' Syndicate,' insert the word ' the ' in line 21 before the word ' institution '."

Question put and carried.

**Mr. H. HAMILL :** Sir, I move the following amendment :

" In clause 24 (2) (g), delete the sub-clause and substitute ' to recommend to the Syndicate the names of persons to be appointed examiners '."

Question put and carried.

*Clause 24, as amended, ordered to stand part of the bill.*

*Clause 25 (The Board of Post-graduate Studies).*

**CHAPTER VII.—The Board of Post-graduate Studies.**

(1) The Board of Post-graduate Studies shall consist of :

(1) the Vice-Chancellor so long as there is no Rector ;

(2) four members appointed by the Syndicate ;

(3) four members appointed by the Academic Council one of whom shall be a University Professor.

(2) The Board shall subject to the Act, and Statutes, Ordinances and Regulations framed thereunder control and co-ordinate post-graduate teaching and research in the University Departments, and the Colleges and shall recommend to the Syndicate what teachers in the Colleges shall be recognised as University teachers for post-graduate instruction and research.

**Mr. BALAK RAM :** Sir, I move the following amendment :

For sub-clause 25 (1) (1), substitute the following :—

" the Rector, if any, otherwise the Vice-Chancellor :—the Chairman."

This amendment is necessary because the sub-clause, as it stands, is incomplete and makes no provision for the situation created by the existence of a Rector. Also there is no provision for a chairman.

Question put and carried.

*Clause 25, as amended, ordered to stand part of the bill.*

**Mr. B. G. PAHALAJANI :** May I bring to the notice of the Chair that at this stage the amendments of the honourable member Dr. Ambedkar, which had been postponed, will have to be taken up ?

**The Honourable the PRESIDENT :** We will leave that over.

*Clause 26 (Boards of Studies) ordered to stand part of the bill.*

*Clause 27 (Other bodies) ordered to stand part of the bill.*

*Clause 28 (Committee of Selection) ordered to stand part of the bill.*

*Clause 29 (Degrees, diplomas, licenses, titles and marks of honour) ordered to stand part of the bill.*

[The President]

*Clause 30 (Honorary degree)* ordered to stand part of the bill.

*Clause 31 (Cancellation of degrees and the like and their restoration) :*

(1) Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour has been conferred by the Senate or who is an Honorary Fellow, has been convicted of what is, in the opinion of the Syndicate, a serious offence, the Syndicate may after giving the person concerned an opportunity to explain propose to the Senate that the degree, diploma, license, title or mark of honour or Honorary Fellowship be cancelled, and, if the proposal is accepted by not less than two-thirds of the Fellows of the Senate and is confirmed by the Chancellor, the degree, diploma, license, title, mark of honour or Honorary Fellowship shall be cancelled accordingly.

(2) The degree, diploma, license, title, or mark of honour may subsequently be restored on good cause shown.

(3) The procedure for the restoration of a degree, diploma, license, title, or mark of honour, shall, as far as is practicable, be as in sub-section (1) of this section.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the amendment which I propose is :

“ In clause 31 (1), line 17 substitute ‘ three-fourths ’ for ‘ two-thirds ’.”

Sir, this clause is concerned with the cancellation of a degree, diploma, license, title, or mark of honour by the Senate. Now, the majority of the Senate which is provided for the purpose of cancelling a degree or diploma is two-thirds of the Fellows of the Senate. My amendment is that the word “ two-thirds ” should be dropped and the word “ three-fourths ” should be inserted instead. Sir, this is a very important matter, and nobody should be lightly deprived of his degree. Sir, in this clause serious offence is mentioned, but the nature of that serious offence is not put down ; merely vague words like “ serious offence ” are put down. Sir, I think that these serious offences do not probably mean criminal offences or other offences. Most probably, as long as India is under foreign rule, the most serious offence will be work in the political field. Therefore, as this clause may be used against political workers, I think that the majority necessary for the cancellation of a degree or diploma should be raised to three-fourths. Nobody should be lightly deprived of his degree or diploma, and I therefore strongly urge that the words “ two-thirds ” should be dropped and “ three-fourths ” substituted. I hope the Honourable Minister will accept my amendment.

Question proposed.

Mr. N. A. BECHAR (Karachi City) : Sir, I support the amendment which my honourable friend Mr. Swaminarayan has moved. Sir, of the crop of amendments which have been moved by him, the Honourable Minister for Education has not shown the slightest gesture in agreeing to any one so far. I think, Sir, wisdom cannot be always on one side ; (Honourable Members : Hear, hear) and I am sure if he had approached all these amendments with an open mind and with a spirit of give and take, he would have certainly found some amendments worthy of consideration and acceptance. But, Sir, we have gone on with the discussion of various amendments, and with regard to the amendments to which the Honourable Minister has decided to turn a deaf ear, my honourable friend from Ahmedabad has been most unfortunate. I appeal to him not to disappoint my honourable friend in every case. I think that this particular amendment is a harmless one, since I understand from the

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honourable member for the University that there has hardly been any occasion for the University to take the action contemplated in this clause. Moreover, Sir, my honourable friend the mover is quite right in asking for the utmost conservatism in this matter, which is the very bone with the opposite benches, and as such they should show the same amount of conservatism in depriving people of the degrees which they have well earned. Then again, Sir, three-fourths majority which is proposed is the only safeguard against the vague and loose words used, namely "serious offence." Serious offence has never been sought to be defined, and the only safeguard is the safeguard of a large majority which would have to decide whether any particular case does or does not constitute a serious offence, for which the man is to be deprived of his degree. As this power is not likely to be exercised so freely, I think a rise in the percentage of safeguards that my honourable friend proposes will not be found difficult for the Honourable Minister to agree to, and I am sure he will show some reasonableness.

Mr. H. HAMILL : Sir, I beg to oppose the amendment. The provision in the bill is the same as the provision in the existing Act, and a review of the history of the provision will, I think, serve to quieten the fears of people who intend to commit political crimes. There have been, in the history of the University, two cases in which degrees have been withdrawn by the two-thirds majority, which is at present required, and in one of these cases the degree was subsequently restored, and that too with the approval of the Government of Bombay.

An Honourable MEMBER : What was the offence ?

Mr. H. HAMILL : It was complicity in murder, and the degree, as I say, was subsequently restored with the concurrence of Government. These are the only cases in which degrees have been withdrawn in the whole history of the University, and I think they ought to satisfy the Council that a two-thirds majority is quite sufficient safeguard.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I have only one word to say. When we want to punish a man it is necessary that we should provide sufficient safeguard that he is not unnecessarily punished. That is the reason why I want to substitute three-fourths instead of two-thirds. The honourable member Mr. Hamill said that a certain man was so punished for complicity in a murder case. He has not pointed out whether it was complicity in a political murder. Complicity in a political murder will naturally arouse the anger of the senate and in order to provide sufficient safeguard I strongly urge that three-fourths should be provided for two-thirds.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose the amendment of my honourable friend. That is a provision which has been inserted in the bill in order to provide for cases of people who have been convicted of serious offences. This has been carefully considered by the select committee and I request the House to allow it to stand as it is. I do not see any reason why this House should be so soft-hearted for people who have been convicted after a regular trial.

Mr. N. A. BECHAR : The Honourable Minister stated that for a man convicted after regular trial. But it is not so stated in the provision here.

The Honourable the PRESIDENT : ' Convicted ' means after regular trial.

Question put and lost.

Clause 31 ordered to stand part of the bill.

Clause 32 (*Annual Accounts*) :

(1) The fees charged by the Senate shall be carried to one General Fee Fund for the payment of expenses of the University.

(2) The accounts of income and expenditure of the University shall, once in every year, be submitted to the Government of Bombay for such examination and audit as the Government may direct.

Mr. K. M. MUNSHI (Bombay University) : Sir, I have great pleasure in moving the amendment. With regard to the form of my amendment Sir, I wish to ask your indulgence a little. As you know, Sir, the sanction of His Excellency under 80-C of the Government of India Act has been obtained for this amendment. The amendment is in three parts. When the sanction was given I was informed that the third part of the amendment was not quite proper. Therefore I beg leave to drop it. The amendment I propose to move runs as follows.....

The Honourable the PRESIDENT : I would ask the honourable member to move the first part of his amendment to which sanction has been given by His Excellency. Then he can suggest whatever alteration he wants to make.

Mr. K. M. MUNSHI : In the original amendment it was :

" The university shall have a fund to which is to be credited..... "

In lines 31 to 35 of the draft bill the same words are to be found in the clause as it stands. It would be redundant to use the same words again in the next sub-clause. So, I omit that portion and move the amendment as it is on the sheet of amendments which runs as follows :

" (2) In the said fund, the Government shall contribute annually towards the recurring expenditure of the University Departments a sum equal to the amount of grant-in-aid, contributions and donations provided for in the budget for the year 1927-28. And

Renumber the original sub-clause (2) as sub-clause (3). "

In the budget of 1927-28 one lakh and twenty-two thousand five hundred rupees have been provided for by way of grant-in-aid, contributions and donations to the university. The object of this amendment is to convert this budget provision into a statutory grant. By this the university will be at liberty to use this amount for several of its departments. In the very preamble of the Act it has been mentioned that the object of this bill is to facilitate the development of the university as a teaching university. It is necessary that this amount should be earmarked for developing the university departments. Therefore, this amendment has double benefit : one inasmuch as it provides a statutory grant instead of a budget provision ; and second inasmuch as it is a contribution earmarked for the university departments. In that way the object of this bill will be achieved much more effectively than if the amendment were not there. I trust the Honourable Minister will be pleased to accede to this amendment.

The Honourable the PRESIDENT : As the amendment sanctioned by His Excellency has been recast, has the Honourable Minister any objection to the form of the amendment ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I have my own form which I shall move as an amendment to the amendment :—

“ In clause 32 add a new sub-clause (2) as follows :

‘ That Government shall contribute to that fund a sum of Rs. 1,17,000 per annum to be utilised for the recurring expenditure of the University departments. ’

Renumber sub-clause (2) as (3). ”

The Honourable the PRESIDENT : There is an amendment to the amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, the present budget provision is Rs. 1,22,500. Last year's provision was Rs. 72,500, out of which Rs. 5,500 were allocated for particular purposes, and consequently they have to be spent by Government on those particular objects. For the current year a grant of Rs. 50,000 was also provided for in the budget for the objects recommended by the University Reform Committee, and this forms part of the Rs. 1,22,500. We cannot give away Rs. 5,500. Therefore, deducting Rs. 5,500 out of Rs. 1,22,500 we get Rs. 1,17,000, which is the amount which every year will be contributed for the recurring expenditure of the University departments.

Rao Bahadur R. R. KALE : Sir, I beg to suggest some formal amendments. The marginal note of clause 32 is “ annual accounts. ” This should be changed into “ University Fund. ” The heading of Chapter IX, under which this clause comes, is “ Degrees ” : as a matter of fact this clause deals with quite a different subject. I have, therefore, to suggest that at the top of clause 32 we might add “ University Fund ”.

The Honourable the PRESIDENT : I understand that the marginal note is corrected by the office. Therefore, there need be no amendment to that. The only amendment, therefore, that the honourable member suggests is that there should be a head note “ University Fund ” to clause 32. Is that right ?

Rao Bahadur R. R. KALE : Yes.

The Honourable the PRESIDENT : I suppose the Honourable Minister will include that in his.

The Honourable Dewan Bahadur HARILAL D. DESAI : I have no objection.

Mr. S. K. BOLE : Sir, I regret very much that I have to oppose this amendment. Sir, it is said that the University is a 75 years old institution, and as such it should be able to stand on its own legs. Now the masses are crying for primary education, and it is the primary duty of Government to supply funds for that, but Government say that they have not enough of funds and, therefore, primary education is starving. When Government is asked to pay some grants to the University, may I ask whose money is that ? It is the money paid by the ryots and the masses. When on behalf of the masses and on behalf of the ryots some

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share in the management of the institution was demanded for them, a deaf ear was turned to that demand. But when funds are required for the University, then the funds provided by the masses are to be utilised for that purpose ! Sir, the proper course would be to levy a tax on the intelligensia and pay it to the University. Let there be a graded tax on graduates, pleaders and advocates,—a small tax on graduates, more on pleaders and still more on advocates. Government should collect money in this manner and pay this grant from that collection. They are going to manage the whole show and the money is to be supplied by the poor masses ! It is proper that those who call for the tune should pay the piper. But here the thing is quite different. They want to manage the whole thing and the monies are to be supplied by those who have no hand in the management, which is quite unfair and unjust.

Sir, I do not know what would be the effect of my speech, because I know although it has been said that this bill is brought in for the democratisation of the University, I don't see any democracy ; it is all hypocrisy. The Honourable Minister, with his whip, has outbureaucrated the bureaucrats. That appears from the stiff attitude he has maintained while the bill is being discussed. He has a strong majority behind him ; therefore, he is not inclined to meet us. If that is going to be the attitude of the Honourable Minister. I say good bye to such sort of brown bureaucracy. With these words I oppose the amendment.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, the honourable member Mr. Bole wished to know what would be the effect of his speech. I, for my part, wish to tell him plainly what effect it has on me. This same honourable member moved heaven and earth sometime ago to let the backward classes take a very active part in the University affairs. Here is one of the samples of that class; his speech shows what would happen if gentlemen of his calibre were to come in large numbers into the University. Sir, my honourable friend Mr. Bole cannot make bricks without straw. If the whole University bill is not to become a farce, you must have money given to the University. Now, we want Government to help us with money and here is the honourable member Mr. Bole, standing up and saying " Oh, they are quite competent to tax themselves." Sir, as the House is aware, Government at present is paying Rs. 50,000 and besides we are getting Rs. 67,000 from the Government of India. The Bombay Government is paying its mite towards primary education. But secondary and higher education is absolutely starved. The time has come when we should ask the Government to pay greater attention towards secondary and higher education. It is for this purpose that this reasonable amendment has been brought forward by the representative of the Bombay University and I am sure that every right-thinking man will support it. I support the motion.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President, it is a great pity that my honourable friend Mr. Bole has thought it fit to oppose this amendment. Sir, as a member of the backward community he ought not to show narrow-mindedness towards any expense with



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regard to education. Let me tell him that even for primary education the money that is spent for higher education is useful. Because you cannot have good teachers for primary education without higher education and I do not think that it would be wise on the part of any member of this House to oppose any grant for educational purposes. I further hope that there would be no more speeches supporting the view which my honourable friend Mr. Bole has taken. We, as the backward, ought to come forward and say that more money should be spent on higher education. Our grievances in regard to university government are different matters. If there is no good university and if there are no funds set apart for its growth all communities together will suffer. I strongly oppose the view that has been taken by my honourable friend Mr. Bole and support the amendment which has been moved by my honourable friend Mr. Munshi. The other day I had advised members of the senate that it would be wise on their part to approach the members of this Council for more grants for the University, in order to bring pressure upon Government. We should all say that the sum is too small and that more money should be sanctioned.

Rao Saheb D. R. PATIL : From whom ? From the intelligensia ?

MOULVI RAFIUDDIN AHMAD : I will not harp upon the weakness of the Honourable Minister (Laughter). I do not think that any member, whether he belongs to the advanced classes or the backward classes, can afford to say " the university should not be given more money than it is being given at present ". Sir, I have no more to say. I do hope that Government will from time to time increase this amount and that this is not the final contribution from Government. I hope that year after year Government will add something to this grant. With these remarks I support the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : I support the amendment. The honourable member Moulvi Rafiuddin said that Government should be more generous and that more amounts should be given. But unfortunately this is the sum provided as the statutory grant for the university and I think the Honourable Minister should not be given small pin-pricks and deduct something out of this. Of course it would be very good if he should stick to the original sum, namely, Rs. 1,22,500. He should not be narrow-minded and cut down this amount by Rs. 5,500 by pin-pricking.

Mr. N. A. BEHAR (Karachi City) : Mr. President, if you will permit me I should like to add a few words to the discussion that has gone on on this question. When the question of the appointment of the rector was being discussed I made very clear reference to the Honourable Minister realising the implication of the responsibilities that he was taking in retaining that clause against the opposition of members on this side. Thereby I was trying to hint that he would provide certainly very good sums for the purpose of carrying on the post-graduate work. Sir, somehow, by common consent, he has agreed to make a statutory provision of Rs. 1,17,000 which is provided in the budget for the current year. So

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far as that point is concerned the compromise which has been made may be acceptable to the House. But my only fear is that if we limit this provision to Rs. 1,17,000 the Honourable Minister will be going on on wrong lines and the member for the University will also have committed an error in accepting the amendment in the form in which it stands at present. It would be difficult for the university to demand larger sums thereafter because this will be a statutory provision. My own feeling is that one word more should be added and that is "at least Rs. 1,17,000" so that it can be argued that this was the minimum provision that Government was bound to make for the purpose of advancing higher education. That will give the university a handle to press its claims for further grants. We know how even in the case of primary education the statutory grants provided under the Act have been cut down and the educational institutions are suffering. And though a definite sum may be specified in the Act, if these words "at least" are added before the sum, it will be a good thing.

An Honourable MEMBER: "No less than" is better.

Mr. N. A. BECHAR: That is an improvement upon the language. The members on this side must insist upon some such improvement in the amendment proposed.

Mr. B. V. JADHAV (Satara District): It is not my intention, Sir, to oppose the amendment accepted by the Honourable Minister. But I want to place before this House certain facts that have come out in the debates on this subject. The honourable member Mr. Hamill has told us that the University of Bombay has failed up to this time to spend all its income in furthering the advance of research and University teaching, that the University is in the habit of accumulating funds like a miser and have nearly Rs 13 lakhs invested in securities from which they are getting a large amount in the shape of interest. If this University has shown such disinclination to spend on necessary expansion, I do not see whether it will rise to the occasion now and be more lavish in spending on research and post-graduate teaching. The University requires an overhauling. The methods of the University up to the present day have not, I am very sorry to observe, been very satisfactory. I hope things will improve and the University will like to spend more on post-graduate teaching. At present the University professors that have been appointed have not, I have good reason to suppose, given satisfaction. If the expansion of post-graduate teaching that will take place hereafter on the strength of this statutory grant, is to go on the same lines on which the University has been working upto this time, then I think there will be a very great disappointment to those who really wish the University to advance.

The honourable members in this House and some in the University, I think, are very eager to denounce communalism whenever they get an opportunity or even where there is no occasion. But what they have been practising is real communalism in spirit. They have certain hobbies,

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they have certain favourites, and they want to provide for certain individuals and are guided, though not openly, at least secretly, by a spirit of communalism. I hope the University will take more care in the future and will try to do things in a better way. At the same time, I must record my protest along with the honourable member Mr. Bechar that the Honourable Minister has not been doing enough for the advancement of primary education. He was very careful to provide a substantial grant, a special grant, of Rs. 50,000 to the University this year, although he has not recognised the statutory liability of Government in allotting more funds for the expansion of primary education. You know, Sir, that the expansion of primary education was held in suspense from 1921. No new schools were allowed to be opened and no extra assistants were given to old schools where the number of pupils had increased, because Government said that the control of primary schools was going to be handed over to the local bodies and it was for the local bodies to share one-third of the burden. The Primary Education Act was passed in 1923, the local board elections took place, the majority of local boards and municipalities took over control of the schools. They have levied additional taxation. They have provided the one-third funds for the additional expenditure that is needed, and now Government is backing out on the plea that there are no funds. Government is, I submit, though not legally bound, at least morally bound, to provide the two-thirds of the funds and it is the duty of the Honourable Minister to provide funds for the expansion of primary education. I do not mean to say that he ought not to make provision for higher education. But at the same time, he ought not to lose sight of primary education altogether as he seems to have been doing. He has been, I think, taking shelter under the wording of the Primary Education Act.....

The Honourable the PRESIDENT: What is the amendment before the House? The proposed amendment to the original amendment is, briefly speaking, that a specific sum mentioned be provided for the University. How does the subject of primary education and the attitude of the Education Minister arise?

Mr. B. V. JADHAV: My contention is that the poorer people who want the rudiments of learning should not be lost sight of and it is the duty of the Honourable Minister and Government to provide funds for primary education before they think of lavishing their surplus money on higher education. The claims of primary education are at least of equal importance to the claims of higher education.

The Honourable the PRESIDENT: Then, I understand the Honourable member is opposing the amendment as well as the amendment to the amendment. Is that so?

Mr. B. V. JADHAV: No, I am not doing anything of that sort. I am simply registering my protest against the conduct of the Honourable Minister.....

An Honourable MEMBER: I move the closure.

The Honourable the PRESIDENT : I accept the closure. The honourable mover will reply.

Mr. K. M. MUNSHI (Bombay University) : Sir, I am very glad that in this matter, at any rate, the Council is a happy family, except, of course, for just exceptions which are always found in every family. I have only one thing to add and that is with regard to the amendment of the Honourable Minister for Education.....

Rao Saheb D. R. PATIL : Oppose it.

Mr. K. M. MUNSHI : Thank you very much for the advice. I find Sir, looking at the grants that are given that a sum Rs. 5,500 is not given, really speaking, for University purposes, but it is a grant given to the University to perform functions different from its ordinary powers. It is given for the purpose of supplying information to students going abroad, and, therefore, legitimately speaking, it should be excluded from the amendment as I have moved. I accept the amendment moved by the Honourable Minister. There is only one word. Sir, in this connection that I want say, and that is to express my tribute to His Excellency the Governor for kindly giving his sanction to move this amendment. In the matter of University education, he has always made it clear that though he may be the Governor, he is also the Chancellor. With these words, I accept the amendment of the Honourable Minister.

The Honourable the PRESIDENT : Has the honourable member the mover of the original amendment the leave of the House to accept the amendment since proposed ?

Question put and leave granted.

The Honourable the PRESIDENT : I now put this amendment to the amendment :

In clause 32, add the following as sub-clause (2) :

“ Government shall contribute to that fund the sum of Rs. 1,17,000 per annum to be utilized for the recurring expenditure of the University departments. ”

and renumber the present sub-clause (2) as (3) and add the words “ University Fund ” as head note to the clause.

Question put and carried.

Mr. BALAK RAM : Sir, if this amendment is carried, may I ask what happens to the head note. I think the Chapter will have to be renumbered as Chapter X.

The Honourable the PRESIDENT : Yes ; the honourable member the Legal Remembrancer is right, that there is a further addition to be made to this amendment, namely :

“ Renumber clause 32 as Chapter X. ”

Question put and carried.

Mr. BALAK RAM : Sir, I move the following amendment as a consequential amendment :—

Add the words “ and renumber the subsequent Chapters accordingly. ”

Question put and carried.

Clause 32, as amended, ordered to stand part of the bill.

*Clause 33 (Statutes, Ordinances and Regulations).*

CHAPTER X.—STATUTES, ORDINANCES AND REGULATIONS

33. (1) The Senate may, from time to time, make Statutes not inconsistent with this Act, for all matters relating to the University.

(2) in particular, and without prejudice to the generality of the foregoing power, such Statutes may provide for—

(a) the declaration of any person to be a teacher under section 3 (h) ;

(b) the declaration of other bodies to be authorities of the University as provided in section 7 (6) ;

(c) the manner of election of the elected Fellows and the elected members of the Syndicate and the Academic Council and the term and conditions of their office, the maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate, the Syndicate and the Academic Council ;

(d) the powers of the Vice-Chancellor ;

(e) the appointment, conditions of office, powers and duties of the Rector, if any, and the Registrar and of the officers and servants of the University ;

(f) the prescribing of offices the holders of which shall be *ex-officio* Fellows under section 13 (1) (B) (vii) ;

(g) the constitution, reconstitution or abolition of Faculties.

(h) the procedure at meetings of the Senate, the Syndicate, the Academic Council and the Faculties and the quorum of members to be required for the transaction of business ;

(i) the duties of the Academic Council ;

(j) the constitution and powers of Boards of Studies ; the functions of each such Board, the procedure of such boards and the quorum of members to be required for the transaction of business, and the attaching of each Board to one or more Faculties ;

(k) the holding and control of the matriculation examination ;

(l) the constitution, powers and duties of the authorities of the University save as provided in this Act ;

(m) the institution and conferment of degrees and the granting of diplomas, licenses, titles and marks of honour in respect of degrees and examinations ;

(n) the registers of graduates and students to be kept by the University.

(o) the institution of pension or provident fund for the benefit of the officers, teachers and other servants of the University ;

(p) all matters which by this Act may be prescribed by the Statutes ; and

(q) generally, all matters relating to the University for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Senate, necessary.

Mr. BALAK RAM: Sir, I move the following amendment to clause 33 :

In clauses 33 (2) (c) and (h), for the words " and the Academic Council " wherever they occur, insert the words " the Academic Council and the Board of Post-Graduate Studies. "

My amendment proposes to put in some words which were left out by oversight. The Board of Post-Graduate Studies was created by the select committee, and certain consequential amendments were overlooked at the time. My amendment seeks to make good that omission.

Question put and carried.

Clause 33, as amended, ordered to stand part of the bill.

*Clause 34 (Framing and operation of statutes)* ordered to stand part of the bill.

*Clause 35 (Ordinances how made) :*

(1) Subject to the provisions of this Act and the Statutes, the Syndicate may frame Ordinances to provide for all or any of the following matters, namely :—

- (a) the admission of students to the University ;
- (b) the courses of study to be laid down for all degrees and diplomas of the University ;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University, and be eligible for degrees, diplomas licenses, titles and marks of honour ; and the form of the certificate to be produced by a candidate for examination under section 37 and the conditions on which any such certificate may be granted ;
- (d) the recognition of colleges and hostels ;
- (e) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Matriculation Examination and the conditions to be complied with by candidates for the Matriculation Examination whether sent up by recognised schools or not ;
- (f) the residence and conduct of students ;
- (g) the number, qualifications and conditions of appointment of University Professors and University Teachers ;
- (h) the fees to be charged for courses of instruction in the University given by University professors and University teachers, for tutorial and supplementary instruction given by the University, upon admission into the University and for continuance therein, for admission to the examinations, degrees and diplomas of the University, for the registration of graduates and for other purposes of a like nature.
- (i) the conditions of appointment, the mode of appointment and the duties of examiners ;
- (j) the conduct of examinations ;
- (k) the conduct of business of each Faculty and the appointment of the Dean of each Faculty ;
- (l) the duties and powers of the Boards and committees to be appointed by the University jointly with any other University or body ;
- (m) the discipline to be enforced in regard to the graduates and under-graduates in so far as they come within the jurisdiction of the University for purposes of study and examination ;
- (n) the extension of University teaching in any suitable centre within the Presidency by means of University Extension Lectures or otherwise ;
- (o) the rules to be observed and enforced by Colleges in respect of transfer of students ;
- (p) the functions of each Faculty ;
- (q) the fee ( if any ) to be paid for the entry or retention of a name on any register ;
- (r) the inspection of Colleges and the reports, returns and other information to be furnished by Colleges ;
- (s) the registers of students to be kept by Colleges ;
- (t) the appointment and duties of Professors and University Teachers ;
- (u) the mode of execution of contracts or agreements for or on behalf of the University ;
- (v) generally, all matters which by this Act or by the Statutes, may be provided for by the Ordinances and all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred, or the performance of the duties imposed on the Syndicate by this Act or the Statutes.

Provided that the Syndicate shall not arrive at any decision in regard to matters referred to in clauses, (h), (c), (d), (q), (i), (j), (n) and (o) without inviting and receiving a report thereon from the Academic Council.

(2) All Ordinances made by the Syndicate shall, except as otherwise provided by this Act, have effect from such date as it may direct ; but every Ordinance so made shall be laid on the table of the Senate as soon as may be. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at the meeting, to cancel or refer for reconsideration any such Ordinance.

(3) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such ordinance until the Senate has considered it as provided in sub-section (2).

**Mr. BALAK RAM :** Sir, I move the following amendment :—

In sub-clause (2) of clause 35.—

(i) after the words “ as soon as may be ” insert the words “ and shall be considered by the Senate at its next meeting ” ; and

(ii) for the words “ the meeting ” substitute the words “ such meeting ”.

This amendment has become necessary because a similar amendment was made by the select committee in clause 36 (2) at pages 23 and 24 of the printed bill. Clause 36 (2) lays down that all regulations framed by the Academic Council shall be placed on the table of the Senate as soon as may be and shall be considered by the Senate at its next meeting. I believe the intention of the select committee was to make a similar provision for the Ordinances of the Syndicate, which is a body superior to the Academic Council, but through an oversight this was not done. My amendment seeks to make good that omission.

Question put and carried.

Clause 35, as amended, ordered to stand part of the bill.

*Clause 36 (Regulations how made).*

(1) The Academic Council may make Regulations consistent with this Act and the Statutes and Ordinances to carry out the duties assigned to it thereunder and shall submit them to the Syndicate for approval.

(2) All Regulations when approved shall, except as otherwise provided by this Act have effect from such date as the Academic Council may direct ; but every Regulation so made shall be placed on the table of the Senate as soon as may be, and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two thirds of the members present at such meeting, to cancel or refer for reconsideration any such Regulation.

(3) If the Syndicate does not approve of a Regulation the Regulation shall, on a requisition by at least five members of the Syndicate, be referred to the Senate who shall thereupon have all the powers of the Syndicate in this connection. If the Regulation is accepted by the Senate the provisions of sub-section (2) shall not apply to it.

(4) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such regulation until the Senate has considered it as provided in sub-section (2).

**The Honourable Dewan Bahadur HARILAL D. DESAI :** Sir, by an oversight, in sub-clause (4) of clause 36 a reference to sub-section (3) has been omitted and therefore I move the following amendment :—

In sub-clause (4) of clause 36 add the following at the end :—

“ or sub-section (3). ”

Question put and carried.

Clause 36, as amended, ordered to stand part of the bill.

*Clause 37 (Certificates required of candidates for examination)* ordered to stand part of the bill.

*Clause 38 (Existing colleges)* ordered to stand part of the bill.

*Clause 39 (Affiliation).*

(1) A College applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate and the Academic Council—

(a) that the College is to be under the management of a regularly constituted government body ;

(b) that the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction to be undertaken by the College ;

(c) that the buildings in which the College is to be located are suitable, and that provision will be made, in conformity with the Statutes and Ordinances, for the residence in the College or in lodgings approved by the College, of students not residing with their parents or guardians, and for the supervision and physical welfare of students ;

(d) that due provision has been or will be made for a library ;

(e) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum ;

(f) that due provision will, so far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the College or the place provided for the residence of students ;

(g) that the financial resources of the College are such as to make due provision for its continued maintenance ; and

(h) that the College rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing College in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the College is affiliated any transference of management and all changes in the teaching staff shall be forthwith reported to the Syndicate.

(2) On receipt of a letter of application under sub-section (1), the Syndicate shall—

(a) direct a local inquiry to be made by a competent person authorized by the Syndicate in this behalf ;

(b) make such further inquiry as may appear to them to be necessary ; and

(c) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (a) and (b).

And the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, grant or refuse the application or any part thereof.

(4) (3) Where the application or any part thereof is granted, the decision of the Senate shall specify the courses of instruction in respect of which the College is affiliated ; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(4) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (2).

Mr. BALAK RAM : Sir, I move the following amendment to clause 39 :—

In sub-clause (2) (c) after the words “ and the Senate shall, after such further inquiry (if any) as may appear to them to be necessary ” insert the words “ record their opinion on the matter ” and omit the words “ grant or refuse the application or any part thereof. ”

The effect of this amendment, if accepted by the House, will be to restore clause 39 to its original form. As the proposal will be discussed in detail by Mr. Hamill and others, I content myself with moving the amendment without further remarks.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I oppose the amendment moved by the honourable member Mr. Balak Ram. The select committee, after full deliberation, has decided that this power should vest in the Senate. The power of affiliation should not be taken away from the Senate and given away to the Government. I strongly oppose this attempt again to transfer this power from the Senate to Government. In the original bill, Government was given this power, but in the bill, as amended by the select committee, the power is given



[Mr. J. C. Swaminarayan]

to the Senate. Now, this is a very important and crucial matter. The power which has been given by the select committee to the Senate is again attempted to be given to the Government, and I must make a very strong protest against the attempt which is now made. Sir, my speech may be a cry in the wilderness, because I see that consultations are going on behind the scene, and this power which has been given to the Senate is likely to be again given to the Government. This is the power for which the honourable member for the University has very bitterly fought at the time of the first reading, and I shall read some extracts from the speech which he made on the floor of this House. On page 805, of the Bombay Legislative Council Debates, Vol. XX, part XIX, dated 27th July 1927, the honourable member Mr. Munshi has characterised this power as a grossly parental power. I shall read out the exact words which he used at that time :—

“Then again, there is another power which has been reserved to Government and is, I consider, grossly parental. I want that also to go—and that is the power of affiliating the colleges. The position stood thus before the 1904 Act came into force.”

Mr. H. HAMILL : I rise to a point of order. I think every member of this honourable House has heard the honourable member Mr. Munshi's speech. They have had his speech in their hands to read, and to read it out again in the Council is a waste of time.

The Honourable the PRESIDENT : There is no point of order there. But the honourable member is not going to read out the whole speech ?

Mr. J. C. SWAMINARAYAN : No, Sir ; only extracts. He went on to say :—

“By the Act of 1857, it was competent to the then Universities to affiliate or disaffiliate any college without having recourse to Government. By the Act of 1904, which many of us know as the Curzon's Universities Act, that power was taken away and the Senate was reduced to the position of an advisory body.”

These are the words spoken by the honourable member on the floor of this House. Further on he said :—

“This is a power which I consider not only unnecessary but something which the tradition of the Bombay University does not require.”

He then quoted the fight that was carried on by the late Honourable Mr. Gokhale in the Imperial Council at that time, and the memorable words of Sir Thomas Raleigh have been quoted by the Honourable Minister to-day as well as by the honourable member for the University on that day. To-day, the Honourable Minister has quoted Sir Thomas Raleigh as having given a very good certificate to the management of the Bombay University. Sir, further on the honourable member Mr. Munshi said :—

“As a matter of fact the Senate of the Bombay University, I know from personal experience, is the most stringent Senate so far as affiliation is concerned ; and there is no reason why this power should be taken away from the Senate and given to the Government of Bombay. I further state that the same argument which was applied to the University of Bombay in 1904 stands good today. It cannot now be suggested by the Honourable the Educational Minister who was responsible for appointing our Vice-Chancellor that in his time. . . . .”

The Honourable the PRESIDENT : This is practically the whole speech.

Mr. J. C. SWAMINARAYAN : No, Sir ; I am only reading extracts :  
 “.....that in his time the Senate of the University of Bombay has been conducted on any lines different from or inconsistent with the traditions laid down by his predecessors. And therefore, Sir, I ask this house to give back to the University the power which it enjoyed before 1904 and the power which the Government of India would have given to the Bombay University had it been possible for them to do so.”

Sir, this is the fight that went on on the floor of this House. Now, the select committee has given this power to the Senate. Now, I want to know from the honourable member for the University, representing the cause of the Senate, what attitude he now takes upon this question, and whether he wants to go back upon what he has said on the floor of this House and support Government, because just now people are being led by the nose and vote in any way they like. (“Hear, hear” and interruption.) This is a very important matter. An attempt is made to take away the power that was given to the Senate by the select committee. Sir, this is a matter which has been decided by the select committee. Whenever it suited his purposes, the Honourable the Education Minister has defended many items only on the ground that the points involved had been approved by the select committee and were therefore sacrosanct, when he was not able to find out any other argument to support his case. The select committee decided that the election to the Syndicate by the Senate was to be conducted in such a way that principals, university professors, head masters, teachers, etc., would be excluded ; the whole teaching profession is to be excluded, and the Senate is to elect only from non-professional men. Even on such an important matter, Government have stood by the decision of the select committee, and they have not budged an inch. And just now the power for which the representative of the University has fought so ably at the time of the first reading is sought to be transferred to Government. I want to know from the honourable member what attitude he is now going to take up on this question, and I want to make it clear whether he proposes to follow in the footsteps of those who, whatever may be the consequences, in season and out of season, whether right or wrong, whether they hold particular views or not, stand firm and support Government. Here it is a question of the most educated persons, the most enlightened persons, the most highly cultured persons, and I want to know whether he is going back on what he stated on the floor of this House, and supporting Government (“hear, hear” and interruption) whatever may be the consequences. I am going to ask for a division on this important matter, so that the people at large would know how the voting has taken place.

Mr. N. A. BECHAR (Karachi City) : Mr. President, when this question came up before this Council at the time of the first reading, I had strongly criticised the power which the Government wanted to take in the matter of affiliation of colleges, and I was glad to see that at least in that respect the select committee had made an improvement and an advance on the original bill, by giving to the Senate the power which the Government wanted to usurp. Sir, we hoped that after the bill had emerged from the select committee, at least in this matter, the select committee's recommendations would not be disturbed, and that the small amount of freedom and independence left by the Act would be retained.

[Mr. N. A. Bechar]

However under what circumstances, it is not possible for me to know, does the honourable member the Legal Remembrancer want to restore that power to Government. At the time of the first reading I pointed out that so far as the grip of the Government over the colleges was concerned it was secured to them already by the amount of grant-in-aid which they give to every college. That power of giving grant is quite sufficient for imposing all conditions which Government think necessary but so far as affiliation is concerned University should be the final authority. It was the final authority before 1904 and since that time although Government have the power there should be some advance in the stage and this is one of the directions. As it is, the University sends its own committee to conduct enquiry as to the advisability of affiliating colleges. It completes all processes and at the last stage Government are given the power to reject or accept the recommendation of the Senate. In fine, I submit that Government should relax its rigours so far as affiliation is concerned to a certain extent. What we want is that there must be some advance in the powers that are enjoyed by the University. And I do not understand the somersault which is sought to be taken by members on this side of the House. I hope the sentiments expressed by the honourable member from Ahmedabad will have some salutary effect upon members on this side for the sake of their own honour, for the sake of their independence and for the sake of showing that they have not gone down altogether on their knees to Government. They ought to maintain their independence and show in these matters where the independence of the University is concerned that they are not prepared to compromise. In matters politics compromise may be necessary but in details and not on matters of principles. I do know that the honourable member representing the University has made compromises. Some of them have agreed to this compromise. Yet when he is prepared to compromise upon a fundamental principle and that of the independence of the University, I fail to see what purpose this bill is likely to serve. Colleges are the bodies which the University has to deal with. If the power to affiliate or not is not given to the University I do not know what shadow of independence is left to that body. Therefore I think that this side of the House will not agree to the amendment moved by the honourable member the Legal Remembrancer and I am sure this amendment will be thrown out summarily.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : (Addressed the House in Urdu) : Sir, I rise to oppose the amendment moved by the Legal Remembrancer. I endorse every word that has been said by the honourable member Mr. Swaminarayan when he opposed the amendment. The honourable member said that it was agreed in the select committee that the power of affiliation should vest in the University and that the national party members were now trying to go back upon the decision arrived at by the select committee. The nationalist party in this House is supposed to voice the feeling of the public and as such they ought to oppose this amendment and reject it. Some members of the national party seem to think that Mahomedans, and

[Mr. Haji Mir Mahomed Baloch]

non-Brahmins are opposed to the Honourable Minister of Education, but I can assure them, that so long as he continues to have support from Government, his position is quite safe.

The Honourable the PRESIDENT : Order. order. The honourable member should not refer to any speech that has not been made in this House. It is irrelevant.

Mr. HAJI MIR MAHOMED BALOCH : I only wish to point out why national party has taken up this attitude which is against public interest. When it was suggested—and an amendment was moved to that effect—that the vice-chancellor should be elected by the Senate it was thrown out by the House.

The Honourable the PRESIDENT : How is that relevant now ?

Mr. HAJI MIR MAHOMED BALOCH : I refer to it in order to show how the powers of the University have been taken away one after another. I submit that the decision of the select committee should be respected by all including the members of the national party. I trust that Mussalmans and non-Brahmins as a body will reject the amendment. They have been flattering the Government seven years and as a reward the Government have given them a sound slap. The national party will have to face the same treatment. I trust the national party will see reason and reject this amendment.

Rao Saheb D. R. PATIL (East Khandesh District) : Sir, when we want to consider the amendment moved by the honourable member the Legal Remembrancer we have to see whether the decision of the Senate is to be respected. So far as the decision of the Senate is concerned, we know very well that the Senate will consist of the high class intelligent people. The question here is whether we have to respect the high intelligence of the intelligensia or whether we must accept the amendment of the honourable member the Legal Remembrancer. There is a conflict between democracy and adaptability to circumstances. So, whether we should accept the amendment of the honourable member the Legal Remembrancer is a question for the honourable House to consider. The decision of the Select Committee deserves to be accepted. At the same time there is some sense in the amendment moved by the Legal Remembrancer. Having regard to these circumstances I am put on the horns of a dilemma. Therefore, I do not either oppose the amendment or support the original clause.

Mr. B. V. JADHAV (Satara District) : Sir, I rise to support the amendment, because it is word for word the same as mine. But I have to congratulate myself and the House on the changed mentality that is seen this day. For the last two days the report of the University Committee was looked upon as a revealed book, and every now and then that report was quoted from. When occasion arose the bill as returned by the select committee was held forth as a document of perfect wisdom coming as it did from the majority. The virtue of infallibility which was attributed to the majority view is now gone and Government have seen the wisdom

[Mr. B. V. Jadhav]

of accepting this amendment. The omission of the words now sought to be restored was voted by a very narrow majority in the select committee, and that narrow majority was looked upon up to this time as composed of persons who were gifted with wisdom which saved them from committing a mistake. Now that cloak has been snatched away and Government have accepted this amendment, I offer my sincere congratulations to them.

Mr. K. M. MUNSHI (Bombay University): Sir, I am very glad to find myself in agreement, at any rate in the later stage of the discussion of this bill, with my honourable friend Mr. Jadhav. So far as the thunders of my honourable friend Mr. Swaminarayan are concerned, I can assure him that they will be very well reported in all the papers with which he is concerned.....

The Honourable the PRESIDENT: I think that is an insinuation.

Mr. K. M. MUNSHI: I am sorry: I withdraw it. At any rate, I am sure, Sir, his speech will have a wonderful effect and will point him as one of the glorious hopes of the public life of the Presidency. My honourable friend has rightly anticipated that I am going to support this amendment. He is a clever mathematician and used in his speech all the information which I gave him in a confidential conversation. I may assure him that if I were always a champion of lost causes; if I were an apostle of unpractical wisdom; if I were the man to speak of things which are never likely to be carried; if I were here merely for delivering speeches as in a debating society; I assure him I would have fully agreed with him and joined him. But we are here, at any rate I am here, not for the purpose of performing rhetorical acrobatics or for championing lost causes, but for a very practical purpose; I am here to see that to the best of our ability I am able to compromise, to negotiate, to deal with Government and to deal with other parties in this House, as man to man and friend to friend, and to evolve some kind of harmonious policy which will redound to the credit of this House. It is with that object in view that we have been sent here and not for the purpose of taking up the precious time of this honourable House by discussing things which will never be carried into the region of practical politics

Although in the select committee I strongly favoured the deletion of the clause, at a later stage two considerations induced me to accept this amendment as a compromise. I can assure the honourable member Mr. Swaminarayan that I am not ashamed of any compromise—either this or any other.

Mr. J. C. SWAMINARAYAN: You are not ashamed of bargaining away the right of the Senate for which you yourself fought.

Mr. K. M. MUNSHI: My honourable friend is, I know, as I have already said, the champion of lost causes, and as I am but human I do not propose to compete with him in his superhumanity.

[Mr. K. M. Munshi]

Sir, the first consideration which induces me to accept this compromise is this. My honourable friends the non-Brahmins in the select committee were very much against the deletion of this clause. Sir, all of them, including my honourable friend Mr. Jadhav and Mr. Chikodi, were strongly against the deletion of this clause. They were apprehensive that the Senate, as it would be constituted, may on some occasions do injustice to Karnatak or non-Brahmin institutions. I myself felt and do feel still that the Senate will not do that injustice. But we are here to compromise; we are not here for the purpose of merely proving the righteousness of one's point of view. We are here to sit down and compromise and carry the majority with us, and out of that consideration alone I have accepted this particular amendment.

Then, Sir, there is another consideration which induces me to accept this compromise, and it is this. The select committee conceded the power of disaffiliation to Government. So, the result was that affiliation remained with the Senate and disaffiliation with Government. So, if the Senate affiliated a college which Government thought should not be affiliated, the college might be disaffiliated by Government, and thus there would be a deadlock between the University on the one side and Government on the other. I do not want to see a deadlock between the University on the one side and Government on the other.

These two considerations have compelled me to accept this compromise, and as I have already told you, Sir, I am not at all ashamed of it.

Mr. NOOR MAHOMED : Sir, may I enquire for my information and for the information of other honourable members here, when, where and why and between whom that compromise exactly took place. Since the fact of a compromise having taken place with regard to this bill has been mentioned in the House now and has been publicly and authoritatively declared to be a fact, I think the House should know all facts about it.

Mr. K. M. MUNSHI : I am not in a witness box here.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I was delightfully surprised to hear my honourable friend Mr. Munshi offering explanation of his inconsistencies. I am rather in sympathy with my honourable friend Professor Swaminarayan and other members on this side of the House who thought that the flag of freedom and the cause of the people was safe in the hands of the honourable member Mr. Munshi and who therefore made him leader and admiral of their fleet, only to find that this admiral steered the fleet right into the port of the enemy. He has betrayed their cause. I thought that the new party of the advanced classes who has now become the allies of Government would cease to abuse the whole bureaucracy and the alien Government, but I find that is not so. Members of the bureaucracy on the other hand are ordering long spoons to sup with new friends. We of the backward communities would have been delighted if the spirit of compromise of which we heard so much from Mr. Munshi had been shown to us by him to the same extent as shown to Government. I would then have

[Moulvi Rafiuddin Ahmad]

really thought that he was a man of great statesmanship. As it is he seems to me to be only a statesmonger. I have great sympathy with the amendment of my honourable friend the Legal Remembrancer. We are carrying on a fierce struggle against supreme prejudice and sublime mediocrity, against inveterate foes and candid friends. Principles have been thrown overboard, I am afraid, by the new allies on both sides. I do not blame them. But, Sir, we at least have stood faithfully by our principles in our support and I do claim some sympathy for our just cause from the Government benches. I am afraid the new union would end in divorce court. But I do not want to hear inconvenient disclosures.

Mr. H. HAMILL : Mr. President, I rise to support the amendment. It is refreshing to me to hear honourable members accuse one another of inconsistency. I am sure however that those who are inconsistent will thoroughly enjoy explaining their position to their electorates. At the same time I do feel that over this amendment a great deal of our time has been wasted—a great deal more than it deserved. Between the year 1857 and the year 1904, that is a period of 47 years, the university was at liberty to affiliate colleges on its own authority. During that period it affiliated 14 colleges and recognised 1 hospital. Between the year 1904 and 1927 when the power of affiliation was in the hands of Government, this is during a period of 23 years, Government affiliated 12 colleges and recognised 10 hospitals. That is nearly one educational institution each year. I submit therefore that with such a record to the credit of Government no party in the House has any reason to fear that Government will exercise its power of affiliation to the detriment of anybody. I may point out that on one occasion only, so far as I am aware, Government refused to accept the recommendation of the university senate and on that occasion there was no subsequent demand either in the press or in the university senate for Government to review its decision. Government felt that too many colleges were being affiliated and so refused to recognise a college which pressed for affiliation. The matter dropped there ; not a word more was said either in the press or anywhere else. On that occasion Government were quite right and the university senate wrong. On another occasion Government delayed affiliating a college and the result was an increase in the efficiency of the college. I therefore submit that, if we retain the power of affiliation in the hands of Government, educational interests will be safeguarded and the efficiency of colleges increased. I therefore support the amendment.

Major W. ELLIS JONES : I move the closure.

The Honourable the PRESIDENT : I accept it.

Mr. BALAK RAM : Considering the late hour I do not wish to use my right of reply.

The Honourable Dewan Bahadur HARILAL D. DESAI : I have nothing to add.

Question put and carried.

Mr. J. C. SWAMINARAYAN : I demand a poll.

The Honourable the PRESIDENT : Those honourable members who are for the amendment will stand in their places.

Mr. J. C. SWAMINARAYAN : I want the names to go on record.

The Honourable the PRESIDENT : It is left to me to decide as to the manner of the division. If the honourable member disputes it I should like to refer him to the Standing Order which says :

“ The motion shall be put by the president as a question for the determination of the Council. Votes may be taken by voices or it shall be taken by division if any member so desires. The president shall determine the method of taking votes by division. ”

Division does not necessarily mean going to the lobby. If the honourable member insists I would ask the honourable members to stand up in their places and count the votes.

Mr. J. C. SWAMINARAYAN : I insist upon a regular record being kept.

The Honourable the PRESIDENT : There is no insisting about it. Chapter V, rule 11, is clear.

Mr. N. A. BECHAR : The convention is being broken in this case. We have always been going to the lobby whenever a division has been claimed.

The Honourable the PRESIDENT : I call upon those honourable members who are in favour of the amendment to stand in their places. (42 members stood up). Now, those who are against the amendment will please stand in their places. (3 stood up). I find that 42 are for the amendment and 3 against it. The amendment is carried.

Mr. B. V. JADHAV : Sir, I move the following amendment :

In clause 39 (2) add a sub-clause (2a) as follows :—

“ The Registrar shall submit the application and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such enquiry as may appear to them necessary, shall grant or refuse the application or any part thereof.

Question proposed.

The Honourable Dewan Bahadur HARILAL D. DESAI : I accept the amendment on behalf of Government.

Question put and carried.

Mr. H. HAMILL : Sir, I beg to move the following amendment :

In clause 39, sub-clause (3) ; (a) Restore the original numbering ; (b) Restore the deleted words and delete “ decision of the Senate. ”

Question put and carried.

Clause 39, as amended, ordered to stand part of the bill.

The Honourable the PRESIDENT : The House is now adjourned to half past ten to-morrow, Saturday, the 8th October 1927.



*Saturday, the 8th October 1927*

The Council re-assembled at the Council Hall, P. ona, at 10-30 a.m. on Saturday, the 8th October 1927, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, MOULVI RAFIUDDIN  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DASTUR, Khan Bahadur F. M.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HAMILL, Mr. H.  
 HATCH, Mr. G. W.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
 JEHangIR, the Honourable Sir COWASJI  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.

KARKI, Mr. M. D.  
 KHUHRO, Mr. M. S.  
 LALJI NARANJI, Mr.  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Questions.

#### SCHOOLS : ADMISSION OF DEPRESSED CLASSES

Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to state—

(a) what effect has been given to the Resolution of the Government regarding admission of the children of the depressed classes in common schools ;

(b) in what municipal and local board areas the children of the depressed classes are given admission in common schools ;

(c) whether any undertaking is demanded from private secondary schools particularly, that they will freely admit children of the depressed classes ;

(d) whether it is a fact that students belonging to the Meghwar community were not admitted by secondary schools with Gujarati vernacular ;

(e) if so, what steps they propose to take to obtain admission for these boys in future ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) From the reports for the year 1926-27 received from the Educational Authorities it appears that the orders of Government of the subject have been observed generally in the schools maintained by local-bodies in the Presidency, viz., by District Local Boards and Municipalities.

(b) In all except in the case of the following schools in the Surat District :—

1. District Local Board School at Gothan.
2. District Local Board School at Madhar.
3. District Local Board School at Morthan.
4. District Local Board School at Motavarachha.
5. District Local Board School at Sania Hemad.
6. District Local Board School at Kharvasa.

No information is yet available so far as the schools under the control of the District School Board, Belgaum, and five Local Authority Municipalities in the Southern Division are concerned.

(c) No.

(d) The Honourable Member presumably refers to the schools in Karachi. If so, the answer is in the negative.

(e) The question does not arise.

Mr. N. A. BECHAR : Why is not some kind of an undertaking taken from managers of schools receiving Government grants with respect to the admission of children of the depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Hitherto no steps have been taken because it would be rather hard to press that condition on the aided schools.

Mr. N. A. BECHAR : Is it not a fact that Government have issued a resolution to the effect that any school that does not admit children of the depressed classes will not be given any grant-in-aid from Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is so, there is a resolution to that effect.

Mr. J. C. SWAMINARAYAN : Why is it not put into operation ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It cannot be put into operation forcibly but steps are being taken to persuade people to come in line with the spirit of that resolution.

Mr. J. C. SWAMINARAYAN : If persuasion does not avail, why are not more strict measures resorted to ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There have been no complaints except the question put by the honourable member and consequently no occasion has arisen for more strict measures.

Mr. J. C. SWAMINARAYAN : Have not complaints been drawn to the attention of Government through this question.

The Honourable Dewan Bahadur HARILAL D. DESAI : There are no specific complaints brought to the notice of Government.

#### LAND REVENUE, KOLABA DISTRICT

Sir VASANTRAO DABHOLKAR : Will Government be pleased to state—

(a) whether the land revenue of the Kolaba District for the current revenue year has been fully recovered ;

(b) if it has not, how much revenue is outstanding, and whether the failure to recover it, is due to the agitation against payment, accounts of which have periodically appeared in the newspapers ?

The Honourable Mr. J. L. RIEU : (a) The revenue for the year 1926-27 was fully recovered except for the sum of Rs. 25-8-6 due from the lessee of a plot of land in Matheran. The whereabouts of the lessee are not known.

(b) Does not arise.

Sir VASANTRAO DABHOLKAR : May I know the area of the plot at Matheran ?

The Honourable Mr. J. L. RIEU : I want notice of that question.

Sir VASANTRAO DABHOLKAR : The answer to (b) is "Does not arise". Does it mean that the reports that have appeared in newspapers from time to time are not correct ?

The Honourable Mr. J. L. RIEU : I do not know to which reports the honourable member is referring.

Sir VASANTRAO DABHOLKAR : Reports regarding the collection of revenue at Alibag.

The Honourable Mr. J. L. RIEU : So far as the reports refer to difficulties experienced in the collection of the revenue, they are incorrect.

#### SCHOLARSHIPS : PROPORTIONATE AWARD TO COMMUNITIES

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state--

(a) the number of children attending educational institutions in this presidency per mille of the population of Muhammadans and of each class of Hindus as classified in the late census ;

(b) whether it is a fact that the figure for Muhammadans is 84 per mille and that of intermediate Hindus 41 per mille ;

(c) if the reply to (b) above be in the affirmative, the amount spent on the scholarships mentioned in question No. 6 in Gujarat during the year 1925-26 per mille of the population of the intermediate Hindus

as mentioned in the last census and of Muhammadans for their uplift ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The following table gives the required information :—

Presidency Proper (excluding Sind)				
	Hindus.			Muhamma- dans.
	Advanced	Inter- mediate	Back- ward	
Population ..	1,444,955	9,083,618	3,770,706	1,369,075
Number of children attending educational institutions (re- cognised).	226,238	406,847	110,863	119,415
Number of children per mille of the population.	157	45	29	87

Figures, as they stood on 31st March 1926, are given as presumably the Honourable member would like to be supplied with the latest statistical information available.

(b) The figures 84 for Muhammadans and 41 for Intermediate Hindus given in part (b) of the question are for 1924-25 and 1923-24 respectively.

(c) The amount spent on the scholarships per mille of the population of the Intermediate Hindus and Muhammadans was Rs. 2-2-0 and Rs. 19-13-0 respectively during 1925-26.

#### SIND ALLOWANCE

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether Sind allowance is given to (i) members of the Indian Service of Engineers, (ii) the Provincial Service of Engineers and (iii) Upper Subordinates of the Public Works Department serving in Sind ;

(b) whether it is a fact that officers of the two last mentioned classes do not get it ? If so the reasons for not granting the allowance to them ;

(c) whether Sind allowance is given to members of All-India Services and to the members of the Provincial Services serving in Sind ;

(d) if the reply be in the affirmative the Departments whose officers get that allowance ?

The Honourable Sir COWASJI JEHangIR : (a) The allowance is given, subject to certain conditions, only to members of the —

(i) Indian Service of Engineers (Irrigation Branch) ; and

(ii) Provincial Service of Engineers (Bombay Engineering Service).

(b) No. Only the Upper Subordinates do not get it. They are nearly all natives of Sind, and hence there is no appreciable hardship entailed by exposure or isolation in their case. Moreover the spheres of their duties are limited compared with those of Divisional and Sub-divisional officers.

(c) and (d) The allowance is given, subject to certain conditions, to members of All-India Services and Provincial Services under the Revenue, Judicial, Forest, Public Works (Irrigation), Police and Medical Departments, and to the Deputy Director of Agriculture in Sind.

#### PUBLIC WORKS SECRETARIAT STAFF

Mr. B. V. JADHAV (Satara District): Will Government be pleased to state—

(a) the number of candidates from the Hindu backward communities appointed in temporary and leave vacancies in the three years 1924-25, 1925-26 and 1926-27 in the Public Works Secretariat, Bombay, both in the upper and lower divisions ;

(b) how many candidates from the advanced communities were similarly appointed during the same period ;

(c) how many candidates from the backward and advanced groups were made permanent during the same period ;

(d) whether recruitment to the upper division is generally made by direct appointments ;

(e) the number of posts in the upper division filled by promotion from the lower division in each year ;

(f) the number of persons from the backward communities who were so promoted ?

The Honourable Sir COWASJI JEHangIR : (a), (b) and (c) The necessary information is given in the statement attached.

(d) Yes, after due consideration is given to claims of deserving clerks in the lower division.

(e) One only, in the year 1925-26.

(f) Nil.

#### Statement showing the number of appointments in the Public Works Secretariat Staff

Year	No. of candidates from the Hindu backward communities appointed in temporary and leave vacancies. (Clause (a) of the question)		No. of candidates from the advanced communities similarly appointed during the same period. (Clause (b) of the question)		No. of candidates made permanent during the same period. (Clause (c) of the question)	
	Upper Division	Lower Division	Upper Division	Lower Division	Backward	Advanced
1924-25	12	3	7	5	..	4‡
1925-26	6	12	2**	....	3†	7†
1926-27	8	11	3**	....	....	....

\*\* These were permanent clerks of the Lower Division appointed to act in temporary and leave vacancies in the Upper Division.

† These men were employed in this Department in acting and temporary vacancies for a long time prior to the issue of the Finance Department orders regarding the percentage proportions of communities, etc.

‡ These are the four permanent men taken over from the Industries Department on its abolition.

## BOARDING HOUSE : THAR AND PARKAR

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

- (a) whether it is a fact that the district local board of Thar and Parkar maintains a special boarding house for Muslim students ;
- (b) whether the rent of the boarding house is paid by Government ;
- (c) whether the rest of the expenses are borne by the board ;
- (d) the number of students in the boarding house ;
- (e) the number of such students who are in receipt of scholarships ;
- (f) the figures of literacy among intermediate and backward Hindus in the district ;
- (g) the figures of literacy among Muslims in the district ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) The rent is actually paid from the Educational Local Funds, which are reimbursed by a Government grant equal to the expenditure.

(c) Yes.

(d) 130.

(e) 39—Government scholarship holders.

2—Private scholarship holders (1 holding a scholarship granted by Khan Bahadur Mir Ghulam Mahomed Khan and the other holding a scholarship awarded by Khan Bahadur Mir Allahdadkhan).

(f) The figure of literacy among Hindus of all classes is 10,212 (58 per mille of population). Separate figures for Intermediate and Backward Hindus are not available.

(g) 4,535 (*i.e.*, 21 per mille of population).

Mr. NOOR MAHOMED : Is it not a fact that the district local board is maintaining a boarding house for Hindu students at Mithi and is going to open another at Mirpurkhas ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I believe it is so.

## SUKKUR GAUGE LEVELS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether their attention has been drawn to the low levels of 5 feet to 8 feet at the Sukkur gauge in the river Indus in Sind during the months of May, June and July for the last and the current year, *i.e.*, the years 1926 and 1927 and the probability of consequent suffering to crops in Lower Sind (Non-Barrage area) when the Barrage at Sukkur is not operating ;

(b) what they propose doing for the non-Barrage areas in Karachi and Hyderabad districts when the level of water is artificially raised from 5 feet to 11 feet at Sukkur after the Barrage is in operation ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) Systematic improvements of the canal systems both in Hyderabad and Karachi Districts are at present under the consideration of Government.

Mr. JAIRAMDAS DOULATRAM : What is the nature of the systematic improvements referred to in the reply ?

The Honourable Sir COWASJI JEHangIR : I am afraid it will take a considerable time to explain what the improvements are.

Mr. JAIRAMDAS DOULATRAM : Any idea in brief ?

The Honourable Sir COWASJI JEHangIR : I think the honourable member is aware of some of the improvements that are taking place in Hyderabad and Karachi districts. He knows that the Fuleli and other canals are being improved.

Mr. JAIRAMDAS DOULATRAM : Are Government referring to the system of modules ?

The Honourable Sir COWASJI JEHangIR : Not particularly. Honourable members will recollect that when the Barrage was sanctioned, Government gave an undertaking that certain canals in Southern Sind would be improved. This House has already provided money for certain improvements, and I trust will continue to provide the necessary funds to enable Government to carry out that undertaking.

Mr. JAIRAMDAS DOULATRAM : Is not the Honourable Member in a position to give an idea in brief as to the nature of the improvements ?

The Honourable Sir COWASJI JEHangIR : Generally, the canals are remodelled, by bunds being strengthened, curves cut off, and canals straightened out.

#### AGRICULTURAL IMPLEMENTS

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) the number of agricultural implements purchased by them during the last year ;

(b) how many of them were foreign and how many Indian ;

(c) whether in the case of foreign, similar Indian implements were not available ;

(d) whether the department approached any Indian firms to get similar implements manufactured in India ?

The Honourable Mr. G. B. PRADHAN : (a) 168.

(b) 71 Foreign : 97 Indian.

(c) In almost all cases in which foreign implements were purchased similar Indian implements were not available. As regards the Chhatanooga Mill purchased by the Professor of Agriculture, a similar Indian type was available ; but the foreign type was purchased in order to illustrate the different types for teaching purposes at the Agricultural College, Poona.

(d) Yes.

Rao Bahadur R. R. KALE : May I ask whether an Indian type similar to the foreign type purchased in order to illustrate the different types was not available ?



The Honourable Mr. G. B. PRADHAN : I presume so. I have not got definite information, but if the honourable member will give me notice, I will make enquiries.

Mr. L. M. DESHPANDE : May I know whether any of these implements are such as are worked by power ?

The Honourable Mr. G. B. PRADHAN : At any rate, I have seen some which are worked by power in the Agricultural College.

Mr. L. M. DESHPANDE : Are they out of these 168 ?

The Honourable Mr. G. B. PRADHAN : I cannot tell you that.

#### TEAK TREES ON MALKI LANDS : RIGHT OF OCCUPANT

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) whether they are aware that one Trimbak Narayan Sathe of Khalapur, taluka Karjat, in the Kolaba District, applied for permission to cut teak trees in his Malki survey number 147 of Kalote Mokashi in the said Peta of Khalapur in the beginning of January 1927, and that a final reply was given to him by the Divisional Forest Officer, Kolaba, on 22nd June 1927, informing him that Government have stopped sales of such trees in Malki numbers, under Government Resolution No. 8581-24, dated 2nd May 1927, and that such trees will hereafter be sold by public auction ;

(b) whether the right of occupants of Malki numbers to fell ancient teak trees of original growth in Malki numbers is taken away by the said Resolution ;

(c) whether under the new system when such trees are sold wholesale, the occupant of the Malki number is to be consulted and given the option of selling them himself after paying the royalty of 8 annas per tree ;

(d) whether there is any reason why when the occupant of the Malki number is prepared to cut such trees in his Malki number after paying the royalty of 8 annas per tree he should not be allowed to do so ?

The Honourable Mr. G. B. PRADHAN : (a) The facts are as stated in the question, except that the Divisional Forest Officer replied to Mr. Sathe's application of 17th June 1927 and not to that of January 1927 which he never received.

(b) The royalty trees of original growth on malki lands are *Government* property. Permission to cut them for domestic use and not for sale was given to the occupants on certain conditions. The original teak growth in the north of Kolaba having, however, reached maturity, it was found necessary, in the interests both of the provincial revenues and of forest conservancy, to replace the method of occasional retail fellings and sales to the occupants by wholesale fellings and sales on a commercial basis. After the trees have been cut the occupants will have the benefit of their aftergrowth.

(c) and (d) The trees are Government property and will be sold by Government wholesale. Until lately they were sold to the occupant at a prescribed scale rate and not at 8 annas per tree as stated in the question.

Rao Bahadur R. R. KALE : Is it not a fact that the application was originally made on the 21st January 1927 to the Collector, and the same application was forwarded to the Divisional Forest Officer in June, after receiving a reply from the Collector ?

The Honourable Mr. G. B. PRADHAN : I have not got the original application with me, but if notice is given I will make enquiries into the matter.

#### EKRUK TANK CANALS : REPAIR CHARGES

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City) : Will Government be pleased to state the estimated cost of repairing for supply of water for irrigation purposes—

(a) the right bank of the Ekruk canal for the first 3 miles, for the subsequent 7 miles, and the final 6 miles ;

(b) the left bank of the Ekruk canal for the first 3 miles and the subsequent three miles ;

(c) the perennial canal of the Ekruk Tank from the 19th mile to 24 miles, and from 24th mile to 27 miles ?

The Honourable Sir COWASJI JEHangIR : (a) The approximate cost of special repairs for the first 3 miles of the Right Bank canal of the Ekruk tank will be Rs. 7,600. No estimate of the cost of repairing the remaining miles can be given unless actual surveys are carried out.

(b) The total length of the Left Bank canal is only 4 miles. The approximate cost of special repairs to the first three miles will be Rs. 6,300 and that for the remaining one mile Rs. 2,200.

(c) The estimated cost of special repairs for miles 19 to 24th of the perennial canal of the Ekruk tank will be Rs. 8,000 and that for miles 24th to 26th Rs. 2,800 approximately. The total length of this canal is about 26 miles.

#### EKRUK TANK WATER : DISPOSAL OF APPLICATIONS

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City) : Will Government be pleased to state—

(a) whether the representatives of the agriculturists at Sholapur have applied as regards the early disposal of their applications for the supply of water from the Ekruk Tank for irrigating lands in Sholapur ;

(b) whether Government can arrange to dispose of their applications in the month of December instead of February as requested by the agriculturists ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) There is no objection to the disposal of applications in the month of December instead of February.

#### GOVERNMENT PUBLICATIONS : COST

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether it is a fact that an English copy of the Village Sanitation Act (19 pages) costs Annas 3 while a Gujarati one containing 10 pages only costs Re. 1 ;

(b) if so, the reasons for the difference ?

The Honourable Sir COWASJI JEHANGIR : (a) Yes.

(b) The governing factor in fixing the selling price of a publication is the number of copies printed.

#### GIRLS' HIGH SCHOOL : AHMEDABAD

Mr. K. M. MUNSHI (Bombay University) : Will Government be pleased to state—

(a) whether it is a fact that some girls were refused admission in the Girls' High School, Ahmedabad, on the ground that there was not enough accommodation in the school to admit more girls ;

(b) if the answer to the question (a) be in the affirmative, whether it is a fact that the Girls' High School, Ahmedabad, is the only institution in the city of Ahmedabad where girls can take advantage of English education ;

(c) whether they intend in the near future to increase the staff and the accommodation in the Girls' High School, Ahmedabad ;

(d) whether they are aware that on account of want of space some of the classes of the Girls' High School, Ahmedabad, are held in the open verandah even in heat and rains and for practical work in science the girls have to go to the P. R. Training College for men ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) No.

(c) The plans and estimates for a new building for the Girls' High School, Ahmedabad, have already been sanctioned. Owing to financial stringency the provision proposed to be made in the current year's budget on this account was, however, subsequently omitted. The staff is adequate and sufficient to meet the present need.

(d) Yes, because the Laboratory is common to both institutions.

MOULVI RAFIUDDIN AHMAD : May I ask when this was sanctioned ?

The Honourable Dewan Bahadur HARILAL D. DESAI : We have given administrative sanction.

MOULVI RAFIUDDIN AHMAD : When was it given ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I think last year.

Mr. J. C. SWAMINARAYAN : When will provision be made in the budget ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The question will be considered at the next budget time, and funds permitting, the provision will be made.

#### INSPECTORS AND SUB-INSPECTORS IN THE EXCISE DEPARTMENT

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) the number of inspectors and sub-inspectors appointed in the Excise Department during the last three years with the caste, religion and qualification of each ;

(b) whether they have fixed any standard of qualification for these posts as in other departments ;

(c) if the reply to (b) is in the affirmative, what are they ; if in the negative, why no standard is fixed and whether Government intend to fix it now ?

The Honourable Mr. G. B. PRADHAN : (a) Two statements, one relating to the Presidency proper and the other to Sind, are placed on the Council Table. The Sind statement contains information for the period beginning with 15th May 1921, from which date the Salt and Excise Department in Sind was reorganised.

(b) and (c) Candidates for these posts must ordinarily be not over 25 years of age, must possess good moral character, good physique, suitable educational qualifications (the minimum being usually Matriculation or School Leaving Examination) and general fitness for intelligent outdoor work which in most cases involves considerable physical endurance.

*Statement showing the number of Inspectors, Assistant and Sub-Inspectors appointed in the Excise Department, during the three years ending 1926-27*

no. of officers	Caste	Religion	Qualification
<i>Inspectors</i>			
<i>Nu</i>			
<i>Assistant Inspectors</i>			
1	Gaud Saraswat Brahman .. ..	Hindu ..	Matriculation.
2	Kayastha Prabhu .. ..	.. ..	1 P.E. and 1 non-qualified.
1	Parsi .. ..	Zoroastrian ..	Matriculation.
<i>Sub-Inspectors</i>			
1	Deshastha Brahman .. ..	Hindu ..	B.A.
1	Karada Brahman .. ..	.. ..	B.Sc.
1	Nagar Brahman .. ..	.. ..	Matriculation.
3	Anavil Brahman .. ..	.. ..	1 B.A., 2 non-qualified.
2	Gaud Saraswat Brahman .. ..	.. ..	1 Matriculation, 1 P.E.
1	Dalvadnya Brahman .. ..	.. ..	Matriculation.
9	Kayastha Prabhu .. ..	.. ..	1 Inter. Arts, 2 P.E., 2 School Leaving Certificate, 1 Matriculation and 3 non-qualified.
2	Kayastha (Gujerat) .. ..	.. ..	1 P.E. and 1 Matriculation.
1	Kayastha-Valmiki .. ..	.. ..	Inter. Arts.
1	Patidar .. ..	.. ..	P.E.
1	Patidar (Leva) .. ..	.. ..	Non-qualified.
1	Gujar .. ..	.. ..	School Final.
3	Jain .. ..	.. ..	1 F. Y. C. in Arts, 1 Matriculation and 1 non-qualified.
1	Shimpi .. ..	.. ..	Matriculation.
1	Bania .. ..	.. ..	School Leaving certificate.
1	Bhavsar .. ..	.. ..	Matriculation.
2	Lingayat .. ..	.. ..	1 Matriculation and 1 non-qualified.
4	Maratha .. ..	.. ..	2 F. Y. C. in Arts, 1 School Leaving certificate, 1 third grade Public Service.
1	Kumbhar .. ..	.. ..	School Final.
2	Bhandari .. ..	.. ..	1 P.E. and 1 Matriculation.
1	Nair (Madras) .. ..	.. ..	Matriculation.
4	Indian Christian .. ..	Christian ..	1 B.A., 1 P.E., 1 Matriculation, 1 non-qualified.
1	Anglo-Indian .. ..	.. ..	School Final.
1	Portuguese Christian .. ..	.. ..	Non-qualified.
5	Parsi .. ..	Zoroastrian ..	1 P.E., 3 Matriculation and 1 non-qualified.
15	Muhammadan .. ..	Muhammadan ..	1 B.A., 2 Inter. Arts, 1 P.E., 4 Matriculation and 7 non-qualified.

*Statement showing number of Inspectors and Assistant Inspectors appointed in the Sind Salt and Excise Department during three years from 15th May 1924 to 31st July 1927, with their religion, caste and qualifications*

22	Number of men appointed	Religion					Caste	Qualifications				
		Hindus	Mahomedans	Christians	Jews	Parsis		Graduates				
								Hindus	Mahomedans	Christians	Jews	Parsis
	9	9	2	1	1	Not known	1	.	..	..		

Number of men appointed	Qualifications—contd.										Remarks
	Matriculates					Non-Matriculates					
	Hindus	Mahomedans	Christians	Jews	Parsis	Hindus	Mahomedans	Christians	Jews	Parsis	
12	5	3	1		..	1	6	1	1	1	*1. Hindu Graduate. *1 Christian, Matriculate. *1. Mahomedan, non-Matriculate *1. Parsi, non-Matriculate. †1. Jew, non-Matriculate. †1. Mahomedan, Matriculate.

\* Resigned their appointments.

† Services dispensed with.

## AIDED ANGLO-VERNACULAR SCHOOLS AT RATNAGIRI

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

- (a) the number of aided Anglo-vernacular schools in Ratnagiri;
- (b) whether it is a fact that while boys from some of the schools are admitted into the Ratnagiri High School, without charging any admission fees, boys coming from other schools are charged such fees;
- (c) if so, the reasons for making this discrimination between school and school in the same town?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) 2.

(b) Yes

(c) One is a feeder school to the Ratnagiri High School and the other is not.

## GRAZING GROUND, PIMPARKHEDE

Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state whether it is a fact that the whole forest area in the limits of the village of Pimparkhede, peta Bhadgaon, district East Khandesh, has been closed to the agriculturists of that village for grazing their cattle?

The Honourable Mr. G. B. PRADHAN. The forest area within the limits of the village of Pimparkhede was closed temporarily to grazing up to 1st September 1927 in the interests of forest conservancy: but other forest areas were available to the villagers within which they could have grazed their cattle

## BANDHARA AT SAVKI VILLAGE

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

- (a) whether there is a Government bandhara at the village Savki, taluka Kalwan, district Nasik;
- (b) whether, some years ago, they had decided to extend it and to dig irrigation channels;
- (c) if so, why was the extension not made;
- (d) whether they are aware that the extension of the bandhara would be beneficial not only to agriculturists in Savki but also to those in the neighbouring village of Thengoda?

The Honourable Sir COWASJI JEHANGIR: (a) Yes.

(b) and (c) Yes, there was originally a proposal to extend this bandhara and channel but it was subsequently held in abeyance in favour of the Girna Canal extension which was more economical and profitable.

(d) The extension of the Savki Channel will not be beneficial to the irrigators of Savki and the neighbouring village of Thengoda unless there are prospects of an assured enhanced supply of water, which is not at present available from the Chankapur Reservoir.

## TAX ON TOTALISATOR BETTING

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state what rates they have been charging

under totalisator tax on the amounts placed on the totalisator since the tax was levied ?

The Honourable Sir CHUNILAL MEHTA : By Government Notification, Finance Department, No. 4397-A dated the 8th December 1925, the totalisator tax was levied at 2½ per cent. on all monies paid into any totalisator by way of stakes or bets in the City of Bombay and the Cantonment of Poona. By Government Notification No. 4397-A dated the 17th June 1926, the tax has been raised to 4 per cent.

#### ANALYSIS OF 'DAMRO'

Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state whether the so-called grass corn 'Damro' used by poor people in the Dhandhuka Taluka has been examined by the Government Chemical Examiner ?

The Honourable Mr. G. B. PRADHAN : It has been examined by the Agricultural Chemist to Government.

Mr. A. D. SHETH : Will the report of the Agricultural Chemist be placed on the Council table ?

The Honourable Mr. G. B. PRADHAN : It can be placed on the Council table.

#### REVENUE COLLECTIONS : DHANDHUKA TALUKA

Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that a committee of the Dhandhuka Taluka Local Board have reported that crops in Mandvipura in the Dhandhuka Taluka in Ahmedabad District were only three annas in a rupee and that the people had no means of livelihood and no credit and were in a very bad condition ;

(b) whether it is a fact that the Mamlatdar of the Taluka reported that half revenue, etc., should be collected from the village ;

(c) whether it is a fact that this half revenue has been found difficult to collect and people have already left the village in search of work elsewhere ?

The Honourable Mr. J. L. RIEU : (a) Yes. The crop estimate of the committee was taken into consideration before the annewari orders in respect to the rabi villages were passed.

(b) Yes.

(c) No difficulty was experienced in recovering the land revenue. Out of Rs. 481-15-3 to be collected Rs. 417-11-0 were collected without resort to coercive measures. Most of the people of the village are Bhavads and Kolis and their custom is every year to migrate to various trade centres, such as Viramgam, Baroda, Cambay, Bhavnagar, etc., for labour and cart-hire, after the Kharif crop has been reaped.

#### DRINKING WATER FOR DHEDS : GHEJ

Rao Bahadur B. R. NAIK on behalf of Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) whether it is a fact that there is a fairly large population of Dheds in the village of Ghej, taluka Chikhli, district Surat ;

(b) whether it is a fact that there is no suitable arrangement for the supply of drinking water for the poor Dheds in this village ;

(c) what they intend to do to remove this grievance of the Dheds of this village ?

The Honourable Mr. J. L. RIEU : (a) and (b) There are in this village two "falias" (streets) in which Dheds live. The residents of the eastern "falia" have no complaint to make. In the western "falia" there are 30 residents. There is one private well in this "falia," but it dries up in the middle of the fair season and water can then only be obtained from the Khareda river, about one mile away.

(c) The provision of wells for drinking water is a function of the District Local Boards, which are subsidised by Government to the extent of two-thirds of the money spent by them on village water supply. The needs of this particular village have already been brought to the notice of the District Local Board by the Collector of Surat.

#### PROCESSION : SHIVAJI TERCENTENARY

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) whether it is a fact that the Palkhi procession in connection with Shri Shivaji Tercentenary celebrations in Bombay was not allowed to pass by the Supari Baug Road ;

(b) whether they are aware that this action of the authorities has created great discontent amongst the Hindu public ?

The Honourable Mr. J. L. RIEU : (a) It is understood that the honourable member refers to the Palkhi procession which was to have taken place on the 3rd May 1927, but which was cancelled by the organisers. It is not a fact that permission for that procession to go along the Supari Baug Road was refused.

(b) Does not arise.

Mr. S. K. BOLE : Is it not a fact that permission was asked to take out the Palkhi procession on the last day of the Tercentenary celebrations from Parel through Sopari Baug Road, and that the permission was refused ?

The Honourable Mr. J. L. RIEU : I am not certain of all the facts of the case, but so far as the permission to take out a procession to Sopari Baug Road is concerned, I understand that permission was given. It is stated in the reply that it is not a fact that permission for a procession to go along the Supari Baug Road was refused.

Mr. B. V. JADHAV : What were the conditions laid down ? Were there any restrictions ?

The Honourable Mr. J. L. RIEU : I must ask for notice of that question.

Mr. S. K. BOLE : Did not a deputation on behalf of the Celebration Committee wait upon the Commissioner of Police, who replied that no permission would be given to take out this Palkhi procession by the Sopari Baug Road ?

The Honourable Mr. J. L. RIEU : That is not a fact.



Mr. B. V. JADHAV : Is it not a fact that an elephant was not allowed with the procession ?

The Honourable Mr. J. L. RIEU : I understand that is so.

Mr. B. V. JADHAV : Was not an elephant allowed in the procession later on started by the Swami of the Prativadi Bhayankar Math ?

The Honourable Mr. J. L. RIEU : I ask for notice of that question.

Mr. S. K. BOLE : On what grounds does the Honourable Member say that it is not a fact, when I myself was a member of the deputation ?

#### HOSTELS FOR DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) the precise number of Government hostels in the presidency proper in the different districts of the presidency for depressed class boys ;

(b) whether provision has so far been made by them to provide hostel accommodation for students of the depressed classes in secondary schools in each district of Gujarat ;

(c) whether they intend to start Government hostels in districts where there are none at present ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) One at Poona.

(b) No.

(c) No definite statement can be made at present.

Dr. P. G. SOLANKI : When will Government be able to make a definite statement.

The Honourable Dewan Bahadur HARILAL D. DESAI : As soon as funds are available.

Dr. P. G. SOLANKI : Is not this question seriously considered by Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There are many things Government are considering seriously and for want of funds they could not give effect.

Mr. N. A. BECHAR : Do not Government find a few thousands of rupees for the depressed classes ? They say in season and out of season that they have no funds ?

#### SECONDARY SCHOOLS : FEES FOR MAY

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether they issued a circular to recognised secondary schools to the effect that in view of the School Leaving Examination being held and finished in the month of April no school fee shall be charged from the candidates sent up to the School Leaving Examination for the month of May ;

(b) whether it is a fact that some of the schools have charged the school fee for the month of May from candidates sent up by them to the School Leaving Examination ;

(c) if the answer to (b) is in the affirmative, the names of the schools that have charged the fee for the month of May in defiance of the circular mentioned in (a) ;

(d) whether they have taken or intend to take any steps against those schools that have defied the said circular ;

(e) whether they have taken any steps to see that the fee charged in contravention of the circular is returned by those schools to the respective candidates ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) A circular was issued to Government secondary schools that the fees for the month of May should not be recovered from the students sent up for the School Leaving Examination. A copy of this circular was sent to the Educational Inspectors asking them to bring the orders issued to the notice of the Head Masters of Government secondary schools and of all aided and recognised secondary schools for their information and for such action as they considered necessary. The Educational Inspectors were also asked to suggest to the Managers of the aided and recognised secondary schools that it was desirable, both in the interests of the schools and pupils, to adopt a similar rule.

(b) Yes.

(c) In most of the aided schools fees for the month of May are charged as stated, but as the circular was only for information the Managers cannot be said to have acted in defiance of the circular issued.

(d) It is not considered desirable to interfere with the discretion of the Managers provided they make the rules regarding fees known to the parents before admitting their children.

(e) The question does not arise.

Mr. J. C. SWAMINARAYAN : How is it that in spite of the circular the managers have collected the fees from the students for the month of May ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer to that part is to be found in the reply given both in (a) as well as in (d).

Mr. J. C. SWAMINARAYAN : Is it true that the circulars sent by the Educational Department are not followed by the managers ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not prepared to answer that general question. If my honourable friend gives me any specific instance I can tell him.

Mr. J. C. SWAMINARAYAN : Is not the Honourable Minister aware that no student that appears at school leaving examination attends school in the month of May, because his examination is finished in the month of April ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Everybody knows that the schools are closed then.

Mr. J. C. SWAMINARAYAN : Then why do they charge fees for the month of May from students appearing at the school leaving certificate examination ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer in (d) is clear which says :

"It is not considered desirable to interfere with the discretion of the managers provided they make the rules regarding fees known to parents before admitting their children."

The Honourable the PRESIDENT : Next question.

Dr. M. K. DIXIT : One supplementary question, Sir.

The Honourable the PRESIDENT : I have called the next question.

REVENUE DEPARTMENT RESOLUTION NO. L.C.—1145-B,  
DATED 24TH JUNE 1927

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to place on the Council Table the Government Resolution No. L.C.—1145-B of the Revenue Department of the Government of Bombay, dated 24th June 1927, together with all the accompaniments pertaining to the said Resolution ?

The Honourable Mr. J. L. RIEU : A copy of Government Resolution No.—L.C. 1145-B., dated 24th June 1927, with its accompaniments, is placed on the Council table.

*Crops.*

Report of the Committee appointed to consider the best method of fixing the anna valuation of —.

GOVERNMENT OF BOMBAY

REVENUE DEPARTMENT

Resolution No. L. C.—1145-B

Bombay Castle, 24th June 1927

Letter from the Secretary, Anna Valuation Committee, No. A.V.C., dated 3rd September 1926—Submitting the report\* of the Committee appointed by Government in their Press Note No. L. C.—1145-B. dated 28th June 1924.

RESOLUTION.—The report is a majority one. Of the eleven members, Messrs. Pratt and Anderson were unable to sign it, as the former had retired from service and the latter was on leave out of India. Two members, Mr. H. L. Painter, I.C.S., and the Thakor Saheb of Amod, have appended minutes of dissent. The thanks of Government are due to the members of the Committee for the care with which they have conducted the enquiry and formulated their recommendations.

2. Paragraphs 1 to 5 of the report do not call for comment. The Committee's main recommendations are contained in paragraphs 6 to 11.

3. *Paragraphs 6 and 7.*—In his dissenting minute of 26th January 1926 the Thakor Saheb of Amod states his objections to the procedure proposed in paragraph 6 for the valuation of crops, and suggests that an advisory committee consisting of agriculturists and inamdars and presided over by the Mamlatdar would be more suitable. Government regret that it is now too late to consider the Thakor Saheb's suggestion, which should have been brought before the Committee. They approve the procedure suggested by the Committee in paragraph 6, with the reservation that clauses (i) and (ii) of it should be amalgamated, the subsequent clauses being renumbered.

In his dissenting minute Mr. Painter proposes to exclude paragraph 7, as he considers that sufficient publicity is already provided for in paragraph 6 (ix). Government agree with Mr. Painter and consider that it will be enough if the procedure laid down in paragraph 6 is amplified by so much of the proposals in paragraph 7 as relate to the

\*Printed as an appendix to this Resolution.

submission and consideration of petitions of objections against the valuations published under (ix).

The form of procedure as thus revised and approved by Government will be as follows:—

“ 6. (i) A Committee shall be formed for every village for which an anna valuation is to be prepared consisting of the Circle Inspector (as Chairman), the Talati or Kulkarni, the officiating Revenue Patil and two representative agriculturists selected by the Circle Inspector.

(ii) The Circle Inspector shall give not less than three clear days' notice of his visit to the village.

(iii) The Committee shall meet in the month preceding the harvesting of the main crops of the village and record its opinion as to what the anna valuation should be for each of them.

(iv) This opinion shall be signed by each member of the Committee. If the Committee is not unanimous, each member shall record his opinion over his own signature or mark.

(v) The opinion or opinions thus recorded shall be forwarded by the Circle Inspector to the Mamlatdar, who shall proceed to make a provisional decision.

(vi) The Mamlatdar shall fix a date by which the opinion or opinions referred to in section (v) above shall reach him.

(vii) If the opinion or opinions are not received by the date fixed by the Mamlatdar, he shall make his provisional decision on such other data as may be available.

(viii) The Mamlatdar shall publish his provisional decisions in the taluka kachari and in the chawdis of all the villages concerned.

(ix) Any objection to the provisional decision of the Mamlatdar shall be made within fifteen days from the date of its publication in the taluka kachari or chawdis, and all objections which have been submitted to his superior officers, whether in person or by petition, shall be taken into account by the Mamlatdar, before he makes his final decision.

(x) Unless the Mamlatdar, on a consideration of the objections presented or for any other reason, sees fit to amend his provisional decision, such decision shall stand as his final decision. In any case where he amends his provisional decision, the amended decision shall be published in the same manner as the provisional decision.

(xi) The Mamlatdar's decision, if revised by the Collector, shall be similarly published in the taluka kachari and the chawdis.

(xii) The Collector may select any field in any village of the taluka for a crop test with a view to checking the accuracy of any anna valuation.

It must, however, be understood that for the purposes of the suspension of land revenue annewari valuations are required only in seasons below the average or, in good seasons, when there are suspended arrears of revenue to be collected.

4. *Paragraph 8.*—In his dissenting minute Mr. Painter objects to the whole of this paragraph except the first sentence. Government consider, however, that the Committee's recommendations (a) and (b) are intended simply to determine the standard to be applied. The statistics referred to indicate nothing more than what is to be regarded as the average quantitative outturn of land of average classification in the village. Then, this standard having been determined, the valuer, by making quantitative estimates of the actual outturn for a number of particular fields of average classification, will be in a position to determine what ratio the average outturn of the season bears to the outturn of a normal season, or, in other words, whether the crops should be valued at say 12, or 8, or 6 annas. On this understanding Government accept the Committee's recommendations.

5. *Paragraph 9.*—The Committee recommends that the number of rain gauge stations should be increased. Government will give effect to this recommendation as funds permit.

6. *Paragraph 10.*—Government endorse the opinion of the Committee and are considering proposals for the conduct of a series of crop experiments.

7. *Paragraph 11.*—Government agree with this proposal and will take steps to carry it into effect as soon as possible.

By order of the Governor in Council,

A. E. SERVAI,

Acting Deputy Secretary to Government,

To

The Commissioner in Sind,  
 The Commissioners of Divisions,  
 All Collectors in the Presidency proper,  
 The Commissioner of Settlements and Director of Land Records,  
 The Settlement Commissioner and Director of Land Records, Bombay Suburban  
 Division,  
 The Director of Agriculture,  
 The Director of Information (by memorandum),  
 The Finance Department,  
 Mr. F. G. Pratt, C.S.I., I.C.S. (Retired),  
 Mr. L. J. Mountford, C.B.E., I.C.S. (Retired),  
 Mr. H. L. Painter, I.C.S.,  
 Mr. F. G. H. Anderson, I.C.S.,  
 Mr. G. A. Thomas, C.I.E., I.C.S.,  
 Rao Bahadur P. C. Patil,  
 Mr. N. E. Navle, M.L.C.,  
 Mr. Shankarrao Jayaramrao Zunjarrao, M.L.C.,  
 Mr. S. T. Kambli, M.L.C.,  
 Mr. L. S. Chaudhari,  
 Sardar Naharsinghji Ishwarsinghji, Thakor Saheb of Amod,  
 Khan Bahadur Ismail Saheb Madarsaheb Bedrekar.

*Appendix to the Government Resolution, Revenue Department, No. L.C.—1145-B.  
 dated 24th June 1927*

#### REPORT OF THE ANNEWARI COMMITTEE

This Committee was appointed by Government in pursuance of the following resolution moved by Mr. Navle and carried at a meeting of the Legislative Council held on 20th March 1924 :—

This Council recommends to the Governor in Council that a mixed committee of official and non-official members of this Council, with a non-official majority, be appointed to consider the most suitable method or methods of fixing the anna valuation of crops.

2. The Committee sat on the 24th and 31st July 1924 and on the 12th March 1925. It now presents to Government the recommendations embodied in the following paragraphs.

3. The Committee has given its careful consideration to the alleged defects in the present system, the chief of which are that an insufficient number of fields are examined by the revenue officers to enable them to arrive at fair conclusions, that the opinions of the agriculturists themselves are not taken sufficiently into consideration and that the original estimates framed by the subordinate revenue officials, the Talatis and Circle Inspectors, are too frequently enhanced by the higher officials. In order to remove these defects the honourable mover of the resolution, which gave rise to this Committee, laid before it a scheme, the principal feature of which was that the crop valuation should in the first instance be done by a small committee, consisting of the Circle Inspector, the Patil, the Talati (or Kulkarni) and two local agriculturists, whose opinion, if unanimous, should be accepted as final. In the event of a difference of opinion the scheme proposed that the matter should be referred to another committee, composed of the Mamlatdar, the President and Vice-President of the Taluka Local Board. In the event of a further disagreement, it was proposed that the matter should be referred to a third committee, consisting of the Collector and the local Member of the Legislative Council representing the rural area concerned and the President of the District Local Board.

4. After a careful consideration of this scheme the Committee has found itself unable to recommend its adoption on the main ground that it did not provide sufficiently for the control and supervision of the higher revenue officers, that the procedure proposed was unworkable by reason of its elaborate formality and delays, and that it would place the responsibility on persons imperfectly qualified for such a task owing both to a lack of experience or training and to personal bias. The Committee as a whole is of the opinion that it is of the utmost importance to enlist the advice and co-operation of the agriculturists themselves in the earlier stages of the process of anna valuation, but in view of the short space of time, in which it is possible to frame an estimate, which can only be done when the crops are standing and the season of harvesting approaching, it is quite impracticable to adopt any elaborate system of check and countercheck. In order to arrive at fair conclusions within the brief time available a simple system of valuation is absolutely inevitable.

5. A considerable difference of opinion exists on the question of the number of villages that should be examined at the time of making the valuation. A detailed examination of each and every village in an area in which the seasonal conditions render an anna valuation necessary is not, the Committee thinks, within the range of practical politics. The Committee has therefore considered whether it would not be feasible to divide each taluka into homogeneous groups on the basis of the season's rainfall and to select in each group one village in which to hold a detailed examination of the main crops. There is in the view of the Committee much to recommend this proposal, provided that the actual division of a taluka into homogeneous groups and the selection of villages within the groups be placed in the hands of a Committee, the majority of whose members are selected by the agriculturists from among their own numbers. The main objection to this proposal is that there would be a danger of wrong grouping, which would vitiate the whole valuation. There would also be a danger of the wrong selection of a village as typical with the result that the group valuation might be either too high or too low. In these circumstances the Committee thinks it would be preferable to continue the present system, under which as many villages as possible in each affected area are examined by the revenue officers. The Committee, however, attaches the greatest importance to these officers acting in much closer co-operation than at present with the local agriculturists, and to make this possible it makes the following specific recommendations to Government and strongly urges their adoption.

6. (i) That the Circle Inspector should be assisted by two representative agriculturists in each village for which he prepares an anna valuation.

(ii) That a Committee be formed for each of these villages, consisting of the Circle Inspector himself (as Chairman), those two representative agriculturists, the officiating Patil and the Talati (or Kulkarni).

(iii) That the Circle Inspector shall give not less than three clear days' notice of his visit.

(iv) That the Committee shall meet in the month preceding the harvesting of the main crops of a village and record its opinion as to what the anna valuation should be for each of the main crops.

(v) That this opinion shall be signed by each member of the Committee. If the Committee is not unanimous, each member shall record his opinion over his own signature or mark.

(vi) That the opinion shall be forwarded by the Circle Inspector to the Mamlatdar, who shall proceed to make a decision.

(vii) That the Mamlatdar shall fix a date by which the opinion must reach him.

(viii) That if the opinion is not received by the date fixed by the Mamlatdar, he shall make his decision on such other data as may be available.

(ix) That the Mamlatdar shall publish his decision in the taluka kacheri and in the chawdis of all villages concerned.

(x) That the Mamlatdar's decision shall be subject to revision by his superior officers.

(xi) That if his decision be revised by his superior officers, the revised decision shall be similarly published.

(xii) That the Collector may select any field in any village of the taluka for a crop test with a view to checking the accuracy of any anna valuation.

It must, however, be understood that for the purposes of the suspension of land revenue annewari valuations are only required in seasons below the average or, in good seasons, when there are suspended arrears of revenue to be collected.

7. The Committee is further of the opinion that wider publicity than at present should be given to the proposed valuation to enable objections to be recorded and considered before final orders are passed. It therefore recommends that a provisional annewari valuation should be published by the Collector for every village in which such valuation is made at least one month before the date fixed for the collection of the first instalment of the assessment, kharif or rabi, as the case may be. This valuation should be published in the taluka kacheri and also in the chawdi or school of every village concerned, or, where there is neither chawdi nor school, in some other conspicuous place. Any objection against the valuation should be made within 15 days from the date of publication in the taluka kacheri and all objections submitted to the Collector, whether in person or by petition, should be taken into account by him before he passes final orders. The Committee does not think it necessary to publish the provisional valuation in the Taluka Local Board office as well, but recommends that a copy should be supplied by the Collector to any Taluka Local Board applying for one.

8. As regards the method of valuation the Committee does not think it possible to lay down any formal directions for the guidance of the village committee, as it recognises that the non-official members of such committee will rarely be in a position to apply any technical formulæ but must base their valuation almost entirely upon their practical

experience. At the same time the Committee thinks that it would be advantageous to lay down certain principles for the guidance of the several officials responsible for the annewari valuation. It has therefore decided to recommend to Government the acceptance of the joint proposals made by the Commissioners, including the Settlement Commissioner and the Director of Agriculture, in their letter to Government No. C.N.R.—102 dated 20th December 1923 in which letter it was suggested that the procedure for ascertaining the valuation of any particular crop should be :—

(a) To ascertain the average classification value of the total area of land in a village under that crop, which can easily be found by comparing the average acre assessment of that land with the maximum rate ;

(b) To work out from the taluka table the number of pounds in a 12 anna crop or land of that classification.

*Note.*—The tables are made for 12 anna soil. Therefore if the average classification value is 6 annas and the table shows 1,500 lbs. as the normal 12 anna crop, then the normal crop for the soil in that village would be 750 lbs. per acre. In cases in which the average classification value works out to more than 12 annas the yield in pounds for lands of such classification can be worked out from the figures in the taluka tables. Thus if the average classification value is, say, 15 annas and the table shows 1,500 lbs. as the normal 12 anna crop, then the normal crop for the 15 anna soil should be taken as 1,875 lbs. per acre ; and

(c) To make local inquiry and observation while the crops are still standing and record a definite opinion as to the average acre outturn in the village of the particular crop under consideration, which opinion must be based on his own estimate of the actual outturn on various fields which he has himself seen or tested.

9. The Committee is of opinion that the present number of rain gauges per taluka is insufficient for the purpose of estimating the rainfall in each group of villages. It therefore recommends that the number be substantially increased so that each homogeneous tract in a taluka should possess its own gauge.

10. The question of crop experiments is another matter to which the Committee has given close attention. It understands that a scheme is being prepared for the creation of a special establishment of expert agricultural officers for the purpose of—

(a) examining and analysing the official records of crop experiments in order to co-relate the information contained therein with the information regarding the nature of the season in which the experiments were made and the classification value of the soil ; and

(b) making a series of fresh experiments in order to ascertain the standard crop in fairly good year on land of each classification value.

To this scheme the Committee gives its unqualified and unanimous support in the belief that the figures of output that would be obtained by the proposed examination and analysis would serve as a most valuable check on the present official statistics of standard output, and that if the results of the new crop experiments suggested were compared with the Agricultural Department's tables of the yield in lbs. per acre, they would in course of time enable Government to verify the anna valuations of their revenue officers.

11. Finally the Committee recommends that the agricultural standards in the Agricultural Department should be re-investigated with a view to revision over the whole Presidency, especially in precarious tracts.

L. J. MOUNTFORD.

\*H. L. PAINTER.

P. C. PATIL.

N. E. NAVLE.

L. S. CHAUDHARI.

SHANKARRAO JAYARAMRAO ZUNJARAO.

S. T. KAMBLI.

\*NAHARSINGHJI ISHWARSINGHJI, THAKOR  
OF AMOD.

ISMAIL SAHEB MADARSAHEB BEDREKAR.

*Note.*—Messrs. F. G. Pratt and F. G. H. Anderson were unable to sign the Report, as the former had retired from service and the latter was on leave out of India.

*Minute of dissent by Mr. H. L. Painter*

Explanatory Note regarding my desire to exclude from the Report, paragraph 7.

I fail to see that this recommendation will have the effect of producing the wider publicity which is its avowed object ; sufficient publicity is already provided for in paragraph

6 (ix). Apart from this there will be two valuations, viz., the Mamlatdar's and the Collector's provisional, which may well be conflicting, since the latter would not, apparently, be based on the former. Further, so early a provisional valuation of the kind contemplated could only be of the roughest possible type—far removed from the accuracy which these recommendations aim at—and would in practice only be adhered to by chance.

Explanatory note regarding my desire to exclude from the Report the matter in paragraph 8 beginning with "At the same time....." and ending with "himself seen or tested."

1. (a) can be done.—Having done it the officer will know that the land under a particular crop in a particular village bears an average classification value of so many bhag annas.

2. (b) can be done.—By doing it the officer will deduce that the outturn of the crop referred to in (a) would be so many pounds per acre if that crop were a normal (or 12 anna) crop.

3. (c) is the current practice, with "outturn" expressed in pounds per acre instead of in so many annas as against a 12 anna "normal", the latter being converted into terms of the former by reference to the table used in (b).

4. Thus (a) and (b) lead to one thing, and (c) leads to another thing. The first thing is a statistical fact; the second is, as it always has been, an estimate, based on observations. To call the arithmetical exercise leading to the first together with the observations leading to the second "a procedure" is absurd because there is no concatenation whatever between them; the mere lumping of them together cannot produce it.

5. The correctness of the estimate (c) will not be more capable than the old anna estimate of immediate verification by reason of it being expressed in pounds per acre instead of in annas, since the actual outturn in pounds of the whole crop can never be known.

(The accuracy of an estimate could be checked by crop experiments conducted locally in the same season. But no such experiments are contemplated in the "procedure", and rightly so, since in any case the result of the experiments and the consequent justification (or otherwise) of the estimate would come months after the practical result of the acceptance of the estimate, viz., the Collector's orders regarding collection of Land Revenue, had been given effect to.)

6. The result of this proposed "procedure" thus leaves us precisely as we were; all we have done is to introduce a lot of abstract symbols and to emerge from our intricate equation with the discovery that  $X=X$ !

H. L. PAINTER,

Commissioner, N. D.

8th January 1926.

*Minutes of dissent by the Thakor Saheb of Amod*

I may add that the proposals should be considered experimental ones. Let us see how it works and by experience the matter will be settled in its own way. Whatever the annewari is estimated, it is after all an estimation made by ordinary people and it could not be exactly what is the desire of the mover. Until there is a share system no exact valuation and estimation could be made; and I do not think that the present system is absolutely bad.

I may request that in inami and talukdari villages care should be taken that the proprietors may not find causes for complaints in fixing the annewari whenever such need arises.

NAHARSINGHJI,

Thakor of Amod.

30th December 1925.

I have gone through the report and I am sorry to express my disapproval, for matter would be worse from bad. To form a committee of Circle Inspector and a few agriculturists will not serve the purpose with any advantage, but on the contrary chances are that more mischiefs will be played to the disadvantage both to Government and the public.

I think if an advisory committee may be constituted of, from agriculturists and inamdars headed by the Mamlatdar, it will serve the purpose alright. If the committee comes to unanimous conclusion, the matter will be settled or in case any disagreement



arises the matter will be finally settled by sub-divisional officer and the Collector after mutual consideration. Moreover, it will be advisable to see that the final order of the Collector is issued 15 clear days before the date of instalment, and the tenants may be given 15 clear days, before the final order of the Collector, to advance their grievances if there may be any.

NAHARSINGHJI,  
Thakor of Amod.

26th January 1926.

No. of 1927.

Copy forwarded for information and guidance to

**COTTON CROP, DHAMATWAN : INSPECTION BY MAMLATDAR**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the Mamlatdar of South Daskroi Taluka visited Dhamatwan a village of that taluka on the 21st January 1927 and stayed in the village from 10 a.m. to 5 p.m. ;

(b) whether the people of the said village requested the Mamlatdar to inspect the damage done by frost to the cotton crop in the middle of January 1927 ;

(c) whether the Mamlatdar did not pay any heed to the request of the people and left the village without making inspection of the damage done to the cotton crop ?

The Honourable Mr. J. L. RIEU : (a) The Mamlatdar visited the village on the day mentioned in connection with his Record of Rights work, and inspected the crops on his way.

(b) and (c) No such request was made to him at the time. Subsequently learning that there were complaints that the crops had been damaged by frost he re-visited the village, and inspected the affected area.

**BILL No. XXI OF 1927 (BOMBAY UNIVERSITY BILL)**

*(Further consideration of Bill No. XXI (Bombay University Bill resumed.)*

*Clause 40 (Extension of affiliation) ordered to stand part of the bill.*

*Clause 41 (Inspection and Reports) ordered to stand part of the bill.*

*Clause 42 (Disaffiliation) :*

42. (1) A member of the Syndicate who intends to move that the rights conferred on any College by affiliation be withdrawn in whole or in part, or modified, shall give notice of his motion and shall state in writing the grounds on which the motion is made.

(2) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (1) to the Principal concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the College will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(3) On receipt of the representation or on expiration of the period referred to in sub-section (2), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, and after consulting the Academic Council, shall make a report to the Senate.

(4) On receipt of the report under sub-section (3), the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion in the matter.

(5) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such further inquiry (if any) as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(6) Where by an order made under sub-section (5) the rights conferred by affiliation are withdrawn, in whole or in part, or modified the grounds for such withdrawal or modification shall be stated in the order.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move :

" In section 42, drop all the words occurring between the word ' necessary ' in sub-section (4) and the word ' shall ' in sub-section (5). "

Here again the power intended to be given to the senate is going to be taken away by Government. The honourable member for the University styled me as the champion of lost causes. Certainly the cause of truth will be lost when there is hypocrisy, dissimulation and untruth in this frail world. When the most cultured product of the university brazen facedly says that he is not ashamed to eat his own words the cause of truth may be lost. When those who posed themselves as congressmen, swarajists, and took up the vow of opposing Government in the sacred name of the Congress before their electorates support Government throughout and eat away their words, the cause of truth may be lost. When the responsivists whose creed it is to support Government only in reasonable matters, support Government in season and out of season, the cause of truth may be lost.

Mr. P. R. CHIKODI : On a point of order. He is discussing matters which were stated before the electorate. This is not an election campaign, nor an election platform.

Mr. A. D. SHETH : Has the honourable member taken up the Congress creed or responsivist creed ?

The Honourable the PRESIDENT : Will the honourable member proceed ?

Mr. J. C. SWAMINARAYAN : The cause of truth may be lost but.....(Interruption).

The Honourable the PRESIDENT : Order, order.

Mr. J. C. SWAMINARAYAN : The honourable member fought at the time of the first reading that the power of disaffiliation and affiliation should vest in the senate. He has now abandoned the cause of the university and says that he has made some compromise. I should like to know what something he got for the university by making the compromise. In fact Government have retained every power and the compromise which he says he has made is a one-sided one. They will nominate their vice-chancellor.....

Rao Bahadur R. R. KALE : On a point of order. Is the honourable member in order in referring to a debate which was concluded yesterday ?

The Honourable the PRESIDENT : The honourable member has to argue out the point he has placed before the House. (Honourable Members : Hear, hear.) For that purpose he may digress to some reasonable extent.

Mr. H. HAMILL : Sir, I rise to a point of order. The honourable member is proposing to delete certain words " occurring between the word " necessary " in sub-clause (4) and the word " shall " in sub-clause (5)". The word " shall " occurs twice in sub-clause (5). It is not quite clear which ' shall ' he refers to.

The Honourable the PRESIDENT : I understood he referred to the first " shall " : I do not know which " shall " he means.

Mr. J. C. SWAMINARAYAN : I want all the words occurring between " necessary " in sub-clause (4) and the word " shall " in line 45 to be dropped.

The Honourable the PRESIDENT : Has the honourable member Mr. Hamill understood which " shall " is referred to ? All words from the word " necessary " in sub-clause (4) to the word " shall " in sub-clause (5) are to be dropped. The word " shall " referred to in the amendment is the word " shall " occurring in line 45 of sub-clause (5).

Mr. H. HAMILL : Do I understand that some one is going to move an amendment to make the honourable member's amendment perfectly clear, because as it stands it means nothing.

The Honourable the PRESIDENT : When the honourable member tells us that he refers to the second " shall " and not the first, we have to accept it.

Mr. J. C. SWAMINARAYAN : What I contend is that the Senate is competent to pass such orders as are necessary and there should be no necessity of referring the matter to Government. For this the honourable member for the University fought at the time of the first reading : at that time he said that the powers of affiliation and disaffiliation which rested with the Senate under the old Act should be given back to the Senate. But yesterday he supported the amendment which took away the power of affiliation from the Senate. What I mean to say is that for the moment, owing to hypocrisy and dissimulation the cause of truth may not triumph, but I am sure the cause of truth will ultimately triumph.

The Honourable the PRESIDENT : Question proposed :

In clause 42, drop all the words occurring between the word ' necessary ' in sub-clause (4) and the word ' shall ' in sub-clause (5), line 45.

Mr. H. HAMILL : Sir, I rise to oppose the amendment. The report of the select committee was inconsistent : it gave the power of disaffiliation to Government but handed over the power of affiliation to the University. Yesterday the Council restored the power of affiliation to Government, and it would be inconsistent if the power of disaffiliation is now transferred to the University. I therefore submit that the Council should throw out the amendment.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, this is an amendment to clause 42 which my honourable friend Mr. Swaminarayan has brought forward. Before dealing with the merits of his amendment, he attacked other political parties—I do not know with what decorum. He says that people belonging to other political groups are prompted by motives of hypocrisy. Sir, truth is not the monopoly of my honourable friend Mr. Swaminarayan. As he referred incidentally to the action of the Responsivists, I take this opportunity to give a reply to him. The Responsivists came to this Council with a programme to support Government where it was desirable to do so, and to oppose Government in other respects. In whatever the Responsivists have done with regard to the University Bill, I do not think they have gone against their creed. The honourable member Mr. Swaminarayan does

[Mr. H. V. Pataskar]

not belong to the Responsivist party, and without understanding them I think he should not have referred to this point. But I may tell him that whatever we have done during the course of this debate on the University Bill has been quite consistent with our creed. We come here not to oppose Government on each and every occasion, but to use our discretion. Therefore we supported certain amendments and opposed others in order that the bill may not be wrecked.

The Honourable the PRESIDENT : The whole House knows it.

Mr. H. V. PATASKAR : I want to tell him that the Responsivists supported the Government on various occasions in order that the bill may not be wrecked and distorted. I am opposed to the amendment proposed by my honourable friend Mr. Swaminarayan.

Mr. J. C. SWAMINARAYAN : Sir, I have nothing to reply. .

The Honourable Dewan Bahadur HARILAL D. DESAI : I have nothing to add to what the honourable member Principal Hamill has said.

Question put and lost.

Clause 42 ordered to stand part of the bill.

Clause 43 (*Honorary Fellows*) ordered to stand part of the bill.

Clause 44 (*Syndicate first to make the Statutes, Ordinances and Regulations*) ordered to stand part of the bill.

Clause 45 (*Elected and nominated Fellows to retire by rotation*) ordered to stand part of the bill.

Clause 46 (*Elected members of the Syndicate to retire by rotation*) ordered to stand part of the bill.

Clause 47 (*Interpretation in case of doubt*) ordered to stand part of the bill.

Clause 48 (*Elections to be by proportional representation*) ordered to stand part of the bill.

Clause 49 (*Proceedings not invalidated by vacancy*) ordered to stand part of the bill.

Clause 50 (*Pension or Provident Fund*) ordered to stand part of the bill.

Clause 51 (*Passing of property and rights to the university as reconstituted*) ordered to stand part of the bill.

Clause 52 (*Repeal*) ordered to stand part of the bill.

The Schedule ordered to stand part of the bill.

Clause 3 (*Interpretation*) ordered to stand part of the bill.

Clause 4 (*Incorporation and powers of the university*) ordered to stand part of the bill.

The Honourable the PRESIDENT : The question is that clause 5 stands part of the bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, with reference to this clause and particularly sub-clauses (4) and (5) Government have decided to put themselves in communication with the Government of India and I would therefore request that this clause may be held over for the February-March session.

Mr. NOOR MAHOMED (Hyderabad District) : I would urge that this request of the Honourable Minister be not granted. This is an important matter and the House has discussed the bill very fully in this sessions. It is a very unusual step that the Honourable Minister should ask at the time of the second reading that some clauses should be kept over for the next session of the Council. This is a bill, Sir, in which as the House is aware compromises have taken place behind the back of this House, and I would request that our feelings should be taken into consideration and the Honourable Minister's request be refused.

The Honourable the PRESIDENT : I do not know on what the Honourable Minister relies for the motion he makes. Is it 3 or 4 of Chapter IV ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It will be clauses 3 and 4 of Standing Order IV.

The Honourable the PRESIDENT : Under clause 4 (1) no further discussion should be allowed and I will now put the question to the House.

Question put and carried.

The Honourable the PRESIDENT : Clause 7.

The Honourable Dewan Bahadur HARILAL D. DESAI : The honourable member Dr. Ambedkar's amendments to clauses 3 and 7 were held over till the decision of the House on the amendment to clauses 25. Those amendments have fallen through and consequently the amendments to clauses 3 and 7 must also fall through.

The Honourable the PRESIDENT : The situation is rather difficult. I would have at once said that as the honourable member Dr. Ambedkar being absent his amendment could not be considered. But before that the Honourable Minister asked that the bill be postponed for the consideration of clause 5 till the next sessions and that was put to the House and the bill has been postponed. So, I will not put clause 7 at this stage.

### **BILL No. II OF 1927 (A BILL TO AMEND THE BOMBAY LAND REVENUE CODE, 1879).**

The Honourable the PRESIDENT : Bill No. II of 1927 (A Bill to amend the Bombay Land Revenue Code, 1879)—First reading.

The Honourable Mr. J. L. RIEU : Government do not intend to proceed with the bill.

MOULVI RAFIUDDIN AHMED : May I ask the Honourable the Leader of the House if there is any other bill which Government do not wish to take up ?

The Honourable Sir CHUNILAL MEHTA : I think honourable members have already been informed by the Secretary what bills Government do not propose to take up.

**BILL No. XVI OF 1927 (A BILL TO PREVENT THE EXCESSIVE  
SUB-DIVISION OF AGRICULTURAL LAND AND TO PROMOTE  
THE CONSOLIDATION OF SUCH LAND).**

*Motion for first reading*

The Honourable Sir CHUNILAL MEHTA : I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

The Honourable Sir CHUNILAL MEHTA : I beg to move the first reading of the Small Holdings \*Bill, Bill No. XVI of 1927....

First reading

Rao Saheb D. R. PATIL : Mr. President : I rise to a point of order. My point of order is that this bill wants to affect the law of inheritance and that is a matter within the cognizance of the Assembly. Again it would affect the Transfer of Property Act. That is also the function of the Assembly. The Bombay Government has no power whatsoever to interfere with the provisions of the law of inheritance or the provisions of the transfer of property. Therefore this Council is not competent to deal with this question.

The Honourable the PRESIDENT : In accordance with the procedure, as I remember, followed in the time of my predecessor, leave to introduce need not be asked for a bill which is published. But the honourable member rises and introduces the bill and takes his seat, and I declare that the bill is introduced, and then a statement may be made. As regards the point of order, which I think is raised a little too early,—I thought the honourable member would wait for the statement to be finished,—I find in the preamble, if the honourable member will read, the following:—

“ And whereas the previous sanction of the Governor General required by section 80A of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act ,”

Well, the Governor General's sanction has been obtained.

Rao Saheb D. R. PATIL : My point is this, Mr. President, that if you want to interfere with the rights of inheritance or provisions of the Transfer of Property Act, it is not the Governor General only that can do it, but it is the right of the Assembly, the Central Legislature. Simply because a sanction may be given under the rules by the Governor General, that is not enough.....

The Honourable the PRESIDENT : Would the honourable member rely upon something for that statement, so that I may look at any section or law ?

Rao Saheb D. R. PATIL : Of course, I will do it. But before I do it, I think that it is quite clear as day light.....

The Honourable the PRESIDENT : No ; it is not clear to me until the honourable member relies upon any section of the Government of India Act.

Mr. B. G. PAHALAJANI : I would refer my honourable friend, Sir, to section 80A, sub-clause (f), at page 57 of the Council Manual.

The Honourable the PRESIDENT : Has the honourable member seen the provision in that sub-clause ?

Rao Saheb D. R. PATIL : I am just seeing it, Sir.

The Honourable the PRESIDENT : To save time, I will read it. It says :

"The local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law—  
regulating any provincial subject which has been declared by rules under this Act to be, either in whole or in part, subject to legislation by the Indian legislature, in respect of any matter to which such declaration applies : "

and the Governor General's sanction has been obtained. The Honourable the Leader of the House will, therefore, proceed with his remarks.

The Honourable Sir CHUNILAL MEHTA : As the bill is divided into two parts which bear close relation to one another, and are yet independent in a way, we have given it the generic title of *Small Holdings Bill*, although the object is to prevent further sub-division and fragmentation beyond a limit to be prescribed and consolidation, by combination, of small fragmented holdings.

I will bespeak the careful attention of the House not only because the subject is important but also because the drafting of the bill has been a most difficult matter and has taxed the ingenuity and resources of the best legal and revenue officers that we possess. The subject is important because I do not believe that any other single item of agricultural economics is responsible to anything like the same degree for the indebtedness and impoverishment of the ryot and the general miserable condition of cultivation.

The drafting has been most difficult because we have attempted to provide a solution which does not contravene the accepted law of inheritance as at present applied, both because a revolutionary change in the law of inheritance would scarcely be acceptable to the people, and also because it is difficult to foresee what would be the effect in the distant future of the grave social changes that would otherwise have to be effected.

Among the land systems prevalent in this country it is principally in the two great presidencies in the south that the small landholder has been assured of his right of occupancy under what has been called the *rayatwari* tenure. He holds the land direct from the State. He pays the revenue not to any middleman or a zamindar but to the State ; and he can only be deprived of his right of ownership if he makes default in the payment of assessment which is moderate as compared with the rent charged by the landlord to the tenant being from one-half to one-sixth of the latter. I am a believer in the small holder ; in the strength and security of a sturdy yeomanry consisting of small farmers probably lies the best guarantee of the most profitable treatment of the soil. The *rayatwari* system may suffer perhaps from lack of initiative, the desire and the capacity of taking risks in cultivation and of launching out into new methods which involve capital and probably the use of machinery : qualities of daring one can reasonably associate with the big landholder.

[Sir Chunilal Mehta]

Where enlightened zamindars are to be found who can both afford and are anxious to introduce into their estates big scale methods of cultivation, the propagandist work of the research officer and of the agricultural department becomes considerably simplified ; but the danger is that zamindars tend to neglect their estates, and absentee landlordism is added to the disabilities common to an oppressed tenantry, oftentimes tenantry-at-will, living at the mercy of the zamindar out of whom all spirit of enterprise has been squeezed out. Even in zamindari tracts, we know from the attempts made in the Punjab and the United Provinces, it has been found necessary to deal with the problem of excessive sub-division. How much more acute does the problem become in rayatwari tracts where the cultivator instead of being the proud possessor of and the skilful operator upon a solid compact piece of land which he can constantly improve and hand down as the priceless possession of his descendants, is a broken man, greatly indebted to an exacting sowkar, wasting his time between small fragments lying distances apart and unable to live upon his holding or to maintain himself and his family upon it ? Where such a state supervenes, as it is rapidly overtaking many parts of this presidency, which will be seen from the examples quoted later, all the advantages of peasant proprietorship are lost and it becomes difficult to realise the well known saying of Arthur Young that the magic of property turns sand into gold.

The Bombay system was based on this fundamental idea and in addition to giving security of tenure, a specific guarantee is given under the Act against any increase of assessment due to improvements made by the cultivator. The sentiment of attachment to the soil is wholly commendable since it operates to prevent the alienation of the land, but it can only do so where the plot of land is at least of reasonable size to allow of profitable cultivation. Owing, however, to excessive divisions from generation to generation, economics prove too strong for the small peasant, progress in the matter of the improvement of land is blocked, cultivation and crops deteriorate, the standard of sustenance is steadily lowered and the poor man is in the long run compelled to abandon the soil and to descend to the position of a mere wandering labourer in his own village or outside. The bill is calculated to arrest the inevitable decay. Let it be clearly understood that it is no attempt to make holdings of enormous size or to create a class of powerful zamindars, or an insidious design to provide cheap labour to factories or that its effect will be to throw upon this Presidency, in the existing state of unemployment, a number of people who would not know where to turn. The interests of agriculturists and they alone have been my guide in making these proposals.

There are no two opinions as to the magnitude of the evil. The most *laissez faire* advocate of inaction admits that a remedy must be found. That a stage has been reached when further delay is dangerous will be seen from the following figures for the Bombay Presidency excluding Sind. I quote them because they are of considerable importance. I have here figures dealing with each division for the three years 1904-05, 1916-17 and 1921-22, which are the latest figures available. They are



[Sir Chunilal Mehta]

divided into holdings under and up to five acres, over five and up to 25 acres, over 25 and up to 100 acres, over 100 and up to 500 acres, and over 500 acres.

<i>Under and up to 5 acres</i>	.. N. D.	1904-05	2,19,519
		1916-17	3,09,884
		1921-22	3,38,129
	C. D.	1904-05	62,129
		1916-17	3,42,089*
		1921-22	3,50,428
	S. D.	1904-05	1,11,466
		1916-17	2,71,209
		1921-22	2,84,886
<i>Over 5 and up to 25 acres</i>	.. N. D.	1904-05	1,62,437
		1916-17	1,45,442
		1921-22	1,44,492
	C. D.	1904-05	2,32,592
		1916-17	4,11,795
		1921-22	4,26,883
	S. D.	1904-05	1,68,884
		1916-17	2,40,835
		1921-22	2,43,203
<i>Over 25 and up to 100 acres</i>	.. N. D.	1904-05	28,914
		1916-17	24,183
		1921-22	23,651
	C. D.	1904-05	1,73,775
		1916-17	1,46,551
		1921-22	1,40,546
	S. D.	1904-05	82,092
		1916-17	66,107
		1921-22	61,839
<i>Over 100 and up to 500 acres</i>	.. N. D.	1904-05	2,179
		1916-17	2,969
		1921-22	2,772
	C. D.	1904-05	19,148
		1916-17	12,946
		1921-22	12,861
	S. D.	1904-05	8,382
		1916-17	7,578
		1921-22	6,815
<i>Over 500 acres</i>	.. N. D.	1904-05	129
		1916-17	249
		1921-22	260
	C. D.	1904-05	250
		1916-17	428
		1921-22	469

(\* I will point out that a reasonable comparison cannot be made between 1904 and 1916 because of some changes in the method of collecting those figures, but a correct comparison is possible between 1916-17 and 1921-22 as the figures are on the same basis. I am now merely giving the figures as they appear in the printed reports of Government).

[Sir Chunilal Mehta]

	S. D.	1904-05	326
		1916-17	406
		1921-22	289
Total holdings in all three divisions in ..	1921-22	20,37,500	

I now give the figures\* of occupied land. They are as under :—

		Acres
In 1904-05	..	3,25,91,552
1921-22	..	3,26,53,443

\* These figures are for all the three divisions of the Bombay Presidency and do not include Sind.

Statistics of holdings of different sizes in the presidency used to be given till 1902-03 in Jamabandi reports. The figures for 1903-04 and 1904-05 are given in appendix V of the Land Revenue Administration Report. After 1905 the returns were made decennial, and the figures for only 1916-17 are available. The returns were again made quinquennial, and the last year for which figures are available is 1921-22. Unfortunately, the forms of returns have undergone changes, and comparison with earlier years therefore not accurate. But comparison between 1916-17 and 1921-1922 can safely be made, as the figures are on the same basis. I am excluding Sind, as it is not proposed to apply the bill at present to this tract of extensive areas.

A statistician would draw many inferences from this statement. In all divisions, as was to be expected, the holdings up to and under 5 acres have gone up in the 5 years 1916-21. The process goes on at a quicker pace where the land is more valuable and cultivation intensive. There is an increase of so many as 20,000 holdings in the Northern Division, or 10 per cent., under 3 per cent. in the Central Division, and 5 per cent. in the Southern Division. In the group over 5 and up to 25 acres, Gujarat shows a small decrease, while both the other divisions show an increase leading to the conclusion that in the Northern Division the holdings up to 5 acres have gained at the expense of the next division up to 25 acres. This conclusion is supported by the loss of 6,000 and 4,300 holdings, respectively, in the Central Division and Southern Division against only 500 in the Northern Division in the latter group. One feature that might be considered curious is the increase in the large estates exceeding 500 acres. The explanation is that, in the earlier years, some large holders who had holdings in several villages and even several talukas were treated as small separate holders, and only recently, that is from 1921 onwards, have they been added together and shown as one holder in each case.

As the total occupied assessed area of land in the presidency excluding Sind has only risen from 3,25,91,552 acres in 1904-05 to 3,26,95,610 acres in 1925-26, the increase in the number of holdings must have been accompanied by a corresponding reduction in size. It must be remembered that these statistics are for holdings only, and they take no account of fragmentation that goes on unchecked doing the greatest harm.

Mr. V. N. JOG : On a point of information, are these holdings taken according to the different owners or the different lands ? An owner may have one holding in one place and another in another place ; Government will give it as one holding.

The Honourable Sir CHUNILAL MEHTA : I have explained that, as in the case of the bigger holdings, they are now shown as one holder.

Mr. V. N. JOG : That is in the revenue record ?

The Honourable Sir CHUNILAL MEHTA : Yes.

The total number of entries or parcels surveyed up to date is about 95,81,000. There are still portions of Pcona, Satara, and practically the whole district of Kanara yet to be done. The total will very likely be 1,20,00,000 parcels which gives an average of 6 sub-divisions to a holding.

Mr. B. V. JADHAV : Is that the average ?

The Honourable Sir CHUNILAL MEHTA : That is how I have worked it out from these figures.

The disconcerting rate at which the sub-divisions are increasing in the Deccan will be clear if we examine the figures in one district. In Ahmednagar the survey was completed in 1921, and there were 3,47,316 parcels. Within 6 years that number has increased by the large figure of 42,336, or by 12·15 per cent. That is the increase in fragmentation.

Dr. Mann, in his study of Jategaon Budruk, finds that on an average there are four plots to a holding ; and in his study of Pimble Soudagar he worked out that there were 718 separate plots divided between 156 holders. Specific instances are innumerable, but perhaps a few illustrative ones will suffice. Survey number 67 of the village of Salel in the Malwan taluka measures 3 acres and 35½ gunthas, and is divided into 49 hissas. Hissa No. 28 measures ½ guntha and No. 27 one-fourth guntha.

The following example from the same taluka illustrates the absurd extent of fragmentation and sub-division. Survey number 29 of Tondvali has an area of 9 acres and 14 gunthas, and is divided into 75 hissas among 18 holders. Sometimes the size dwindles to that of this table.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : Is that jirayat or bagayat land ?

The Honourable Sir CHUNILAL MEHTA : It is jirayat.

An enquiry committee appointed by the Gujarat branch of the Bombay Co-operative Institute found the following conditions in the Fardi taluka.

Village Senwada ; 11 plots ranging from 1 guntha making up 2 acres and 26 gunthas. Village Umarsadi ; 12 plots ranging from 3 gunthas making up 2 acres and 30 gunthas. Village Vatar ; 27 plots ranging from 1 guntha, comprising 3 acres and 31 gunthas.

Mr. J. C. SWAMINARAYAN : Is that bagayat land ?

The Honourable Sir CHUNILAL MEHTA : No. The Committee state that they took special care to look into the records of every village they visited. The state of affairs illustrated by the examples given

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above was noted in all the villages without exception. They found that the people are conscious of this very serious evil, but are at a loss to find a way out of it. They further state that in most cases they found that the smaller plots are allowed to lie fallow for years together.

The THAKOR OF KLRWADA : Will the Honourable Member state what is the average small holding in Gujarat in the districts of Broach, Kaira and Ahmedabad, as compared with the Deccan ?

The Honourable Sir CHUNILAL MEHTA : I have only given the figures up to 5 acres. I am afraid I have not worked out anything lower than that. It is clear that the size of the holding in Gujarat is considerably smaller than that in the Deccan or that in the Southern Division. The latest figures received from Satara.....

Mr. L. M. DESHPANDE : Is there any land left fallow in the Satara District ?

The Honourable Sir CHUNILAL MEHTA : I cannot tell you. It is very difficult to find that out. I got this from the detailed enquiry of Pardi Taluka made by the Co-operative Institute and published.

The latest figures received from Satara show that in seven villages there are 4,483 survey numbers, and that out of these only 1,343 are entire survey numbers. The number of survey numbers consisting of pô-t-hissas is 3,130. This number is divided into as many as 24,128 pô-t-hissas and of these over 17,000 are below one acre.

It is unnecessary to multiply examples or to labour the point of the existence of the evil, which has long been admitted. The real need is the discovery of a solution which will not be barred by the customs of inheritance.

I will now briefly refer to the disadvantages of allowing the present practice to continue and show how it militates against profitable cultivation, leaving aside the question of the maintenance of a family or of economic holdings. (An Honourable Member : How do you differentiate that). It is difficult to define accurately these two terms but the distinction is clear. Economic holding has been defined in various books on agriculture in India as a holding which will maintain the cultivator and his family or a holding which can be cultivated with a pair of bullocks. Holding for profitable cultivation is very considerably smaller than economic holding. As these terms are indefinite a third term, which is also I am afraid indefinite, has been invented in the Punjab. Mr. Darling of the Punjab would prefer to call it a family holding rather than an economic holding or holding for profitable cultivation. I do not think that gives more accuracy. (An Honourable Member : Then this deals with profitable holding ?) It has already been provided for in the section. (An Honourable Member : Section 27 deals with economic holding only. If it is not so, will he be pleased to make it clear ?) We do not propose that a limit should be fixed which will be suitable for an economic holding.....(An Honourable Member : What is the standard unit ?) The standard unit will be according to family holding or profitable holding which are about the same thing.

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I shall now deal with the disadvantages of allowing the present system to continue. It impoverishes both the land and the owner. Most of them have been summed up in the statement of objects and reasons. In the main it may be stated that the greatest industry in the country is groaning under the incubus of excessive division and fractionalisation, in spite of the efforts of the Agricultural Department and all the hereditary skill of the ryot which, as Dr. Voelcker has said, is scarcely surpassed in other parts of the world. The economic yearly loss to the country on account of the diminution of production due to this single cause must be very large indeed, must lead to the lowering of the standard of life (as pointed out by Professor Stanley Jevons in his study of the question in the United Provinces) and to an increase in under-employment and unemployment in the villages. In every industry the instrument of production must be constantly improved and kept up-to-date. Efficiency of management is ensured by the ruthless economic law which weeds out all failures. It is the other way about in our present day agriculture. The farm which should be a growing unit, constantly and permanently developed by the labour of the cultivator, is unfortunately torn up at every generation into tiny bits and the farmer who should be mobile and who should move to other occupations, if farming does not suit him, or he is found incompetent for it, is on the contrary rooted to the soil, plying his uneconomic trade to eke out a miserable existence. The double handicap is too much for any industry to bear.

The evil is not peculiar to this country alone. In all countries, both in the East and the West, where the laws of succession entitle the heirs to divide property equally similar disabilities have been felt; and in many countries steps have been taken to counteract them by legislation.

A detailed account will be found in Appendix II to Keatinge's book "Agricultural Progress in Western India." From the figures given in that appendix it will be seen that the evil has not perhaps reached the same extent elsewhere as is to be found here. That is, of course, natural in an old country and one whose population is constantly increasing at a rapid rate. Great stress has been laid on the statutes of those countries on re-stripping and consolidation; and in several the limit of a minimum holding has been fixed or the estates declared impartitionable. The work on this problem in Western countries was started many decades ago and is still going on which shows that we are not a day too soon in attempting to tackle the problem here now. The figures quoted in Mr. Keatinge's book relate up to the year 1914 only. It would perhaps be interesting to quote a few examples to show that the process of improvement in the direction in which we are aiming is still on the upward move in the western countries since 1914.

In Germany, the law encourages the practice among the peasants of succession to undivided properties by the creation of a preferred heir and provides for the compensation of other members of the joint family according to the margin of agricultural profits and not according to the

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price at which land can be sold. (Interruption). The price of land is much higher than the margin of profit usually justifies.

In most parts of Austria it is usual for the farm to pass to a single heir without any division of property and for a settlement to be made with the co-heirs by an indemnity in the form of a sum of money or mortgage.

In Denmark the reconstituted State small holdings can be sold but they cannot be sub-divided ; but legally the owner can determine by his will which child shall succeed, the value at which the farm is to be taken over and the other children compensated. To prevent over-burdening of the new farmer, the valuation may be below the price at which the farm could be sold. If the parent dies without disposing of the succession, either by will or otherwise, the State carries through a transference on the same principles. The law forbids the reduction of the area of a peasant farm below a certain taxable value. No land may be less than  $2\frac{1}{2}$  acres and a fine up to 2,000 Kroner may be imposed for its breach.

According to the Russian Agrarian Code of 1922, there is power to issue compulsory order for limiting the excessive sub-division of farms.

In Norway the principle of undivided transfer is recognised and the co-heirs are excluded from a share of the land.

The common law of Bavaria prescribes that the proprietor is bound to bequeath a certain proportion of his property to be divided in equal shares amongst all his children. If the property required by law consists of a house or land, the eldest son may retain the whole portion himself on indemnifying the other heirs for their shares in it by amicable agreement. If no arrangement can be arrived at, the portion of the property must be sold, and the proceeds divided equally.

The very great importance which is attached to this question in Japan can be seen from the fact that the State itself contributes largely to the expenscs of bringing about consolidation and in 1909 the sum spent by the State under this head was reported to have exceeded £25,000, a sum which is said to have constituted one-fourth of the total expenses connected with agricultural administration for the year in that country. We are also told that the reduction in the cost of labour caused by consolidation may be put at 20 per cent. and the increase in the output of crops at 20 per cent.

With reference to France, Mr. Darling says that the 87 monographs of the French enquiry suggest that the French peasant is not prepared to accept the low standard of living and of running into debt, which are the concomitants of small holdings. He either limits his family or buys more land, or, if he cannot buy, he goes out as a labourer and emigrates. That is why in France such holdings have increased in area rather than in number.

I have said that the necessity of tackling this problem has been recognised in this country for many years. In the appendices to the

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Famine Commission Report of 1880 will be found a paper in which Sir Charles Elliot and Sir Edward Buck state :

"It is an evil from an agricultural point of view that the land of each holder should be broken up and separated (for, even if the proprietor does not cultivate himself, he has to give his tenant broken holdings) and it would be a great advantage to distribute cultivators' holdings as far as possible by blocks."

The evil of scattered holdings in India, and the desirability of employing official agency to consolidate such holdings, was urged by Raja Pyari Mohan Mukerjee in his speech at Calcutta on the occasion of the opening ceremony of the Swadeshi Mela in September 1912. He said : "The most formidable obstacle in the way of agricultural reform is the smallness of ryotty holdings" and added that the evil had been remedied in Japan by converting all small holdings into compact farms by exchange, addition and deduction of lands which were controlled by an Agricultural Bureau appointed by the State.

The following resolution was passed by the Board of Agriculture—the All-India Board—in December 1917 :

"That this meeting of the Board of Agriculture recognizes that in many parts of India the extreme and increasing sub-division of the land and scattered character of the holdings together form a very serious impediment to agricultural progress and to the adoption of agricultural improvements and wishes to suggest that the attention of local Governments be called to the matter. It recommends that the question be closely investigated and experiments made in each provincial area in consultation with the Registrar of Co-operative Societies with a view to the adoption of such measures as seem best adapted to meet the special local circumstances and to the introduction of such legislation as may be necessary."

Much earlier, in this Presidency, the problem was present to the mind of the framers of the joint report on which the Bombay Land Revenue Code is based. In paragraph 36 of their review, Government stated :

"If fields are to be permitted to be split up without limit, and the occupant of every fractional share recognised as holding direct from Government, the inevitable results will be the ultimate sub-division of the whole land into very minute occupancies, accompanied by the impoverishment of the whole agricultural class."

Section 98 of the Land Revenue Code provides for certain minima for several classes of land in each district; and no estates were to be partitioned beyond certain limits. (*Vide* Section XIV, Act 1 of 1856, Act IV of 1868 and Land Revenue Code, section 113, now repealed). This, however, only meant that Government did not recognise division of land beyond the fixed minima for the purpose of their record. There was no legal bar to the occupants from actually dividing the land beyond the minima and holding them as separate plots, and the law courts freely recognised such divisions for the purposes of all suits before them. The inevitable result was a wide divergence between the Government records and the actual facts of possession on the land, giving rise to the Poklist Khatedar. The record of rights sought to remedy this state of affairs by recording all separate plots of land in the names of their actual holders and making the latter responsible for the assessment of their lands. Every sub-division of land, however small, is now being separately measured, assessed and mapped as a separate *hissa* and is fully recognised in the land records.

Legislation on this important question has so far been shirked because of the apprehensions that undue interference with the social customs

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of the people will be involved and consequently no support would be found to any such measure from the public. But it would be interesting to see what has been the attitude of non-official members on the several occasions on which this question was discussed in the shape of resolutions in the pre-Reform Councils. In the March session of the Legislative Council of 1916, Dewan Bahadur Godbole moved a resolution on the subject suggesting the creation of "impartible holdings"; and although the succession to these holdings was to be governed by the law of primogeniture, 16 non-officials voted for the resolution and 12 against it. In 1918, the Dewan Bahadur proposed another resolution asking for the appointment of a committee, making recommendations (among other matters) about the creation of impartible economic holdings, prohibiting the partition according to Hindu, Muhammadan and other laws of succession beyond the limit of economic holdings. Of the non-officials 12 voted for it and 8 against it. Both those resolutions were lost. In 1920, the Dewan Bahadur, with admirable persistence, brought forward the resolution again, in which though there were certain variations, the proposals were the same. The resolution met with a similar fate, although of the non-officials 12 voted for and 10 against.

Mr. Keatinge, the Director of Agriculture, had himself prepared a bill. Government did not wish to adopt it as their own measure, but permitted Mr. Keatinge to introduce it as a private bill, which, however, for various reasons never came up before the Council. In one direction it did not go far enough, and in another it went too far. Being entirely of a permissive nature, it did not go far enough. By the proposal to create impartible estates governed by the law of primogeniture it went too far in interfering with the laws of succession of all communities which favour equal inheritance.

In Belgaum in 1922 I addressed a Conference of Agriculturists and co-operative societies adumbrating proposals on the lines of this bill which were well received.

In December 1922, the Provincial Co-operative Conference at their meeting in Bombay welcomed action both with regard to consolidation and prevention of sub-division.

The Indian state of Baroda alone has put a law upon their Statute Book, but being of a permissive nature, it has failed to have any effect.

I may add that the bill as now drafted was informally placed before the Royal Commission on Agriculture; and although they naturally could not deal with it, as it was to be presented to the Council, evidence was allowed to be taken and it was almost wholly favourable.

The second part of the bill, that relating to consolidation, although it gives power to a majority to compel the minority, is still permissive in so far as the requirement of a specified majority is concerned; and I fear that, if we are to attain the object that we desire, considerable propaganda will be necessary even after the bill becomes law.

The first part of the bill, if it is passed, will come automatically into operation. We have attempted therein in the first place to prevent



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any further growth of the evil without making revolutionary change in the laws and customs of the people.

I do not propose to discuss in detail the various provisions of the bill at the first reading. They will no doubt be fully considered in the select committee. I do not intend to take exception to amendments that may be proposed in the select committee or at the second reading on the ground of principle. I recognise that many of the provisions are complicated. From the amendments on the paper it is gratifying to find that they do not touch the principles of the bill.

I might, however, deal with some of the objections that have been mentioned to me. It may be argued that any violent interference with the laws of inheritance and succession is to be deprecated. I have said before that I accept that view ; and we have attempted in these proposals to keep as clear of it as possible. The law of inheritance gives each heir a share, but it is not essential that each and every kind of property should be actually divided by metes and bounds in the case of landed property according to those shares. I would like to invite the attention of my honourable friend opposite who raised a point of order in regard to this point. There are cases in which this cannot be done without deteriorating the value of the property or destroying it so as to make it useless for the purpose for which it is intended. In fact sensible heirs of their own accord allow one or more of them to take the property at a valuation and divide the proceeds among themselves. Thus for example a family house which does not lend itself to partition is often given to one of the heirs. Indeed this principle has already been recognised in law : for section 98 of the Land Revenue Code provides that no survey number should be of less extent than certain minima fixed from time to time for several classes of land in each district. So long ago as 1865, Act I of that year and Act IV of 1868 and section 113 of the Land Revenue Code (now repealed) provided that no estates were to be partitioned beyond a certain limit, as I have stated before. The existing partition Act of 1893 provides that in any suit for partition of immovable property not paying revenue to Government, if it appears to the court by reason of the nature of the property, or of the number of shareholders therein, or of any other special circumstances, that a division cannot be reasonably or conveniently made, the Court has power to direct a sale of the property and the distribution of the proceeds. There is no reason why this salutary provision cannot be extended to agricultural land paying revenue to Government. The promotion of the good of the State as a whole, should be the guiding principle and should take precedence over all private interests.

It will be recognised that the provisions of this bill do not violate the rights of succession so long as they do not actually injure the property. There is no prohibition against ownership in common or against joint enjoyment of the proceeds ; what is prohibited is the actual division by metes and bounds and the cultivation of plots beyond a minimum to be fixed. So long as that is done there is perfect liberty to every one to

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come to any agreement amongst themselves, but only when they fail to do so and insist on physical partition the law will begin to operate.

One method of private arrangement is interesting. In the village of Undavdi (Bhimthadi Taluka) where survey No. 210 which is irrigated by a well is divided into 48 hissas, one of these hissas is of a very small size of two gunthas and is owned by 8 persons who cultivate it by turns, each getting his turn after seven years. This bill is designed to assist such and similar arrangements by the people themselves and to show the way of achieving their desire as well as their good.

MOULVI RAFIUDDIN AHMAD : How many cases are there of such a nature ?

The Honourable Sir CHUNILAL MEHTA : There must be many cases. I have given one instance.

Mr. B. V. JADHAV : The present bill does not object to it ?

The Honourable Sir CHUNILAL MEHTA : Certainly not.

It may perhaps be argued that the better way would be to adopt a policy of persuasion and of voluntary consolidation as has been done to some extent in the Punjab. Co-operative Societies have been working in the Punjab for this purpose for the last five years and with a staff of 6 Inspectors and 70 sub-inspectors have redistributed 60,000 acres. This is very fair pioneer work ; but the latest opinion of the officers of the Punjab on this question, submitted to the Royal Commission on Agriculture, will show that they too favour legislation in that province.

In reply to question 7 of the questionnaire of the Royal Commission, Mr. Darling says :

“ Consolidation on a large scale can, in my opinion, only be effected by legislation.”

In reply to the same question of the Questionnaire, Mr. Strickland says :

“ Such legislation is desirable and would facilitate the work.”

In reply to question 22 of the questionnaire, in reference to “ Consolidation Societies ” he says :

“ I am inclined to suggest the introduction of compulsion in limited areas, specially those in which the people are advanced and intelligent.”

In a lecture entitled “ Production versus reduction ” which the late Sir Ganga Ram delivered in July 1923, he stressed the point that the excessive partition of holdings is one of the important causes which retards the increase of production. He there quoted with appreciation the work done by Mr. Calvert, Registrar, Co-operative Societies in the Punjab, and he ended up his lecture with the following significant sentence :

“ The excessive fragmentation of holdings is so baneful to the peasantry that it should be put a stop to even by legislation.”

It must be remembered that circumstances in the Punjab were peculiarly favourable and similar attempts to copy the Punjab example in other provinces have not been a success. In November 1922, I requested our then Registrar of Co-operative Societies, Mr. Rothfeld,

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to see what could be done in the way of voluntary consolidation on the lines of the Punjab. After mentioning the various difficulties which are peculiar to this province, chief among which is that here, as compared with the Punjab, the soil, value and quality of fields vary very greatly within the limits of one village, that our boundary marks system is more complicated, he was of opinion that it was unwise, in the circumstances of this province, to endeavour to consolidate holdings on co-operative basis without some preliminary legislation. In this opinion he was supported by Mr. Strickland, then Deputy Registrar of Co-operative Societies in the Punjab, with whom he had personal consultation.

In the Central Provinces voluntary efforts towards consolidation were made in two or three places. In Chhattisgrah the first attempt was made in 1905; and a further attempt was made in 1912. The work was however very slow and the Registrar of Co-operative Societies gave little hope of anything being done through co-operation.

The official witness Mr. G. P. Burton, I.C.S., Deputy Commissioner, Raipur, was asked the following question by the Chairman of the Royal Commission: "Do you regard it, from your knowledge of these matters, as a feasible proposition, in the face of present conditions, to get this law passed?" Mr. Burton replied: "I think we shall have the support of the local members in the Legislative Council."

Mr. Calvert of co-operative fame in the Punjab stated that they had a party from the Central Provinces which visited the Punjab to see the consolidation work that was being done there. Mr. Chhotelal, Extra Assistant Commissioner, C. P., joint witness with Mr. Burton, replied that in the Punjab they had uniformity of soil, while in the Central Provinces the soil varies from block to block. Mr. Higginbotham, Principal, Agricultural Institute, Allahabad, in reply to question 7 of the questionnaire says: "I believe that sufficient has been learnt in the Punjab about this that legislation could well be enacted to enable a majority in any given district who desired to consolidate their holdings."

The Government of Madras also ordered an attempt to be made to get the ryots to rearrange their holdings voluntarily after seeing what had been done in the Punjab. Dr. Gilbert Slater suggested the prohibition by Government of the indefinite sub-division of holdings.

Khan Bahadur Oosman Saleb Bahadur, Collector of Anantapur, wrote as follows:

"My Sub-Collector is in favour of Government assuming the responsibility of intervention whether the idea is viewed with favour by the public or not. I am inclined to agree with him. It is simply a case of saving the people from themselves. If it has been found legally possible for a court of law to refrain from cutting up house sites in partition cases, both educated opinion and village commonsense may be expected to see the necessity for State interference in a matter of such economic importance. It would be ineffective to wait for the poor ryots to remedy matters by mutual exchange of plots. It is by legislative enactment alone that it can be made effective."

I have specially quoted this Collector at length both because actual attempts were made in Madras and because the Collector is a Mahomedan.

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Ultimately on the 16th of December 1921 the Government of Madras in their resolution No. 2821 stated :

" In these circumstances the Government accept the conclusions arrived at by the Settlement Officer which are supported by the Board of Revenue and direct that the experiment be discontinued. "

Our own Government directed the Settlement Commissioner, the Registrar of Co-operative Societies, and the Collector, to make similar experiments on voluntary lines in a particular village in the Deccan. . . .

MOULVI RAFIUDDIN AHMAD : What part of the Deccan ?

The Honourable Sir CHUNILAL MEHTA : Somewhere near Bara-mati. But they met with the same fate and nothing was achieved.

Professor Stanley Jevons, reviewing this whole question, says :

" It is a peculiar and most important sociological fact that the laws and customs regulating ownership and use of land have a stronger tendency to persist than any other characteristic of society, "

and he adds that this is " difficult to alter by any other extraneous action than the *force major* of the law. "

There remains the apprehension of the expropriation of landed proprietors and the addition to the already large number of the unemployed. There is a great deal of misconception on this point. In one of the articles which appeared in the press, the writer while blessing the draft bill drew attention to the above danger. He assumed, however, that the minimum limit was to be fixed so high that it would result in a large percentage of cultivators being thrown out of employment. I am afraid the provisions of the bill were not properly examined. Standard Unit has been defined as the minimum necessary for profitable cultivation and not for an economic holding which will support the cultivator and his family. Some might be inclined, in the interests of the State, even to go in for the latter which would in the case of dry land probably work drastically. The bill is, however, much more modest and is designed to prevent agriculture from being unprofitable, which is the least that can be done. Indeed, if the present conditions are allowed to go on, the amount of land being limited and the worst lands having been brought under the plough and with the rapid growth of population and various measures of sanitation and public health, resulting in a large excess of births over deaths, the situation will be well nigh impossible. If all the heirs insist on getting a share of the land, there is distinct danger of all of them being squeezed out, in the near future, by the relentless pressure of economic law and turned into landless labourers or forced to go for work permanently, as they are already doing temporarily, to cities which are congested. Under the present bill, I hope, at least some members of the family will be saved from such a fate and will carry on a healthy and profitable occupation in the village.

Dr. Mann found the following state of affairs in his study of a Deccan village in 1918. In 1771 the average size of the holding was 40 acres. By 1818 it had fallen to 17½ acres. From 1820 to 1840 it remained constant at 14 acres and by 1915 it had been reduced to 7 acres. Heaven only knows what it is now. Of the total number of holdings in the

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village 81 per cent. are now under 10 acres in size and 60 per cent. under 5 acres. Further, these holdings have been fragmented into 729 separate plots, of which 463 are less than one acre and 112 less than one-fourth of an acre.

Mr. Keatinge in his "Agricultural Progress in Western India" comes to the conclusion that the result of a reconstitution of holdings would be more and not less employment on the land; for well-developed land will demand and support more labour. The experience of agriculturists must endorse this statement.

Little can be expected from those who are in reality labourers in cities and merely agriculturists in name. These persons hurry to their lands if they can on the intimation of sufficient rain, scratch the soil and scatter a few seeds without any field work which every crop demands, especially in the Deccan; the critical season of sowing is often lost when it is essential to get the seed in quickly before the moisture dies out of the soil. When the very elements of the preparation of the soil and sowing have to be so grossly neglected, it is useless to expect a reasonable outturn. The low yield per acre in this country as compared with others has often been a target for comment. Apart from variation of climate, moisture, seed and manure, and the use of machinery, the preparation of land and the labour bestowed on tillage is a most important factor, and therein lies the prime cause of defective yields.

It was estimated before the war that in England improvements to the land have cost an average value of Rs. 180 to the acre; but here in the majority of cases, tillage is neglected, no permanent improvements are made; the land remains uneven and unembanked and the lowest part of the field which gets more water and should be in an arid tract, more fertile, is so much subjected to scour that it often produces practically nothing.

The proposed bill is designed to arrest the downward course and to give a chance to the peasantry, than whom there are few more hardworked when the agricultural season is on and few more skilful in applying to the raising of crops their traditional methods handed down for generations.

I notice that the second part of the bill has evoked some opposition in the press which is somewhat surprising. It is necessary to observe that although the bill compels, it is only permissive in its nature and can be brought into operation only when a certain section of the population desire a scheme to be prepared.

The following questions and answers during the sittings of the Royal Commission on Agriculture show the necessity of the measure. Mr. Kamat, the Bombay Member on the Commission, asked the Central Provinces official witnesses:

"Just as you are of definite opinion that consolidation by voluntary consent is rather a precarious thing and uncertain, also a slow process, are you also of the opinion that even by co-operative methods consolidation is equally slow and uncertain. In short, therefore, you rule out the co-operative method and fall back upon legislation."

The witness replied shortly but clearly "Yes."

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Dewan Bahadur Raghavaya, Co-opted Member for Madras, asked Raja Sir Vasudeva, Raja of Kollengode :

"I gather you are in favour of legislation to prevent fragmentation of holdings..... Do you think that legislation to prevent fragmentation and to effect consolidation on an economic basis will be a popular measure and will not be resented?"

His reply was "I do not think it will be resented".

Many years ago when measures of consolidation and re-stripment were introduced in western countries, they met at the commencement with the most vehement opposition that was ever noted against a legislative measure in any country; but persistent effort and the practical beneficial working of the law has made easy converts; and now almost every civilised country has a law in this behalf.

Denmark whose efficiency in agriculture has been the envy of even the most advanced countries of the west was the first to take thorough legislative measures. The most important point in the law of 1871 is that when even one owner demanded re-striping, the whole village was compelled to acquiesce. It was "the work of statesmen and not of farmers" to quote a Danish Government official. The law is certainly not democratic; and might even be considered despotic by some. But it has conferred immense benefit on the whole country.

In Switzerland, the Law of May 1911 (section 70) provides that agricultural land of an area less than 36 acres shall not be further subdivided and shall be conveyed to one of the joint heirs. Contracts contrary to this provision shall be null and void and shall not be entered in the Land Register.

In Japan more than 25·66 per cent. of the cultivated land of the Empire has been consolidated and re-adjusted. The immediate effect has been an increase in the cultivable-area by more than 3 per cent. owing to the utilisation of boundary lands between adjacent farms. The application of new implements of agriculture and labour saving machinery has been made possible. Drainage and irrigation are better organised and the productive capacity of the farms has substantially increased.

Mr. R. S. Patil, F.R.E.S., was deputed by the Government of Baroda to study the reconstitution and consolidation of small and scattered holdings in various countries of Europe. He has produced a comprehensive report at the end of which in his conclusion he says :

"It may be urged that the indivisibility and impartibility of agricultural land beyond the limit fixed by statute would deprive the ryot of the fundamental right of free disposal over his property. A state has to interfere in many respects with people's rights for the greatest good of the greatest number and specially with regard to the use of agricultural land in a country mostly depending on agriculture. From what has been described in the foregoing pages, it is quite clear that private initiative has done very little in the work of re-striping."

In regard to consolidation also the suspicion seems to be that a large number of people will be deprived of their land and thrown out of employment. This need not at all be the case. In most cases, the scheme can be so devised that each owner will get land approximately equal to what he owns now; only it will be in a compact block or blocks instead of being scattered wide apart as at present. The different

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pieces of land will have to be re-adjusted ; but the difference in re-assembling need not be excessive. The bill does not provide that these reconstituted blocks need necessarily be of the nature of economic holdings. Consequently, it is difficult to see where there is room for displacement of population. Every country in the world has benefited by such a measure and there is not the slightest reason why India should be an exception. The morselment or fractionalisation of holdings has been the result of the interpretation of the law which has encouraged the individual use of property. In ancient times, with regard to Hindus at any rate, the property continued to descend undivided from generation to generation from one joint family to another joint family. Partitioning has become common only during the last few generations, with the insistence on individual right, and has evidently come to stay ; and we must devise new methods of distribution to suit the new conditions. In any case, I would point out that in regard to both the parts of the bill the process of law will work extremely slowly and its effect in displacing the population will be negligible. As regards unemployment, the testimony of experts clearly shows that there will be room for more employment rather than less, while the increase in productivity over the whole presidency will be enormous and undoubted. The increase in cultivable area by the elimination of boundaries alone must make the mouths of the land-hungry ryots water.

I have shown before that resolutions on this subject were defeated in the pre-Reform council, that the Director of Agriculture, who had drafted legislation, was asked by Government to deal with it as a private member of the Legislative Council. In the present constitution there is a vastly greater preponderance of elected members and from rural constituencies ; and it is but proper and only what is expected of them that the representatives of the people should devote their energies to the promotion of social legislation and to the righting of social wrongs. Far more benefit to the people can now be conferred by means of social measures than was possible in the past ; and I am emboldened to place before the Council this modest measure which, although it may not have immediate wonderful effects, will tend to save, in so far as such measures can, the steady deterioration of the greatest industry of the country.

If this measure is fortunate enough to receive the approbation of this House, the Bombay Legislative Council will be the first in British India to put on the statute book a piece of legislation which, they may rest content, is essential for the benefit of agriculture. It will be seen from the provisions of the bill that Government have offered various concessions, so that the bill may work well and also that it may be welcomed by the people. Government are anxious to see that it is widely availed of in practice. I must, however, warn the Council that for its full effect it will not be enough to have simply passed this Act, but that, in order to get the desired effect, it will be necessary to be constantly on the watch, and to see that, if necessary, officers of Government are specially appointed to the task of carrying out its provisions,

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specially those relating to consolidation. The assistance of non-official members who represent the rural constituencies will be of the greatest value in this work, and I place this bill before the House in the full confidence that the assistance will be forthcoming both in the passing of the bill and in applying it. (Applause.)

Question proposed.

Mr. K. M. MUNSHI (Bombay University) : Sir, I rise to support the first reading of this bill, with the fullest consciousness that this bill is one which will require to be drastically changed before it can be acceptable to a large number of non-official members. Dr. Mann, a few years ago, in one of his books stated that this problem was such that it was beyond the skill of any man to solve it. The Honourable the Leader of the House has determined to show that skill, and, looking to the extraordinary importance of the problem, I for one am prepared to render every possible assistance in order, not that this particular measure as is drafted is put on the statute-book, but that this particular important problem may be solved, at any rate to the satisfaction of the non-official members. But in supporting the first reading, I may mention that the problem is not, as has been made out by the Honourable the Leader of the House, the result of the existing law or the ignorance of the agriculturist. There are numerous causes which operate upon the present situation, and make sub-division essential for the existence of a large class of agriculturists, and any measure which does not take into account these important causes which are still in operation would be, to my mind, a most dangerous measure. And therefore I submit that the best course would be so to amend this important social legislation, by taking into account the causes which are in operation at present and which go to create sub-divisions. The first cause has been dealt with by the Honourable the Leader of the House, but, I am afraid, not to my satisfaction. There is the Hindu law and the Muhammadan law, both of which refuse to recognise the law of primogeniture, which insist on a partition of all land between all the heirs, and any legislation that is made must take into account the operation of this law. With regard to Hindu law, we have to consider not only the effect of this bill on actual Hindu law as it is at present administered, but also the effect it will have in upsetting the present arrangement of society, which is based on Hindu law. I will give one instance. To-day, every son of a Hindu gets a right by birth in ancestral immovable property. Further, in some matters, immovable property is especially favoured by Hindu law, so far as the heirs are concerned, while cash or moveable property is not. I will give only one instance. A widow is not entitled to alienate immovable property, but if it is cash, at least under the Mayukh law, she would be entitled to dispose of it. And it may become a difficult question to consider, when the fragment has been acquired by the neighbouring owner and compensation is paid to the widow, what would happen to the compensation. It is not enough to say that the Hindu law is not touched by this legislation, but it is necessary to see that indirectly it does not affect the vital considerations of Hindu law. In



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order to put through this legislation, the fullest consideration must be brought to bear upon these important matters.

The second point is this. The Honourable the Leader of the House has, I am sure, convinced every one of the fact that sub-division is increasing. But one cannot rest content with merely that fact. It is a fact, and we recognise it. But between the recognition of the evil and finding out a satisfactory solution for it there are many stages. I for one do not believe that force is a remedy. You cannot, by enforcing a certain notion through legislation, remedy the evil. And therefore it will be necessary so to adjust the different provisions of the bill that the other important aspects of this social legislation are not lost sight of. Sir, at present the position is this. On account of the import of foreign made articles in this country there has been a loss of equilibrium of occupation in the economic organisation of the country. Arts and industries which used to flourish in the village and in the cottage have been practically destroyed, with the result that more men have sought in agriculture the only source of their sustenance. Even so far back as 1880, in the Famine Report, I find it stated that there are more men on the land than are necessary, and since 1880 the situation, as has been amply shown by the Honourable the Leader of the House, has become more acute. Therefore as soon as you introduce the system of preventing fragmentation or introducing consolidation there will be some population which will have to go out of agriculture. I will give a concrete example: suppose there are four acres of land; there are four sons; and two acres become the standard unit. Two sons at any rate would have to go out and take to something else. In this country, unfortunately, there is no industrial development keeping pace with this kind of development. The result will be that some persons will be thrown out of agricultural pursuits. I am prepared to grant it that this measure will be to the benefit of the agriculturists as a whole, but we must not forget that this will be to some extent of this measure the result. Therefore the measure must contain such provisions as will enable the agriculturists to be displaced slowly rather than at once so as to prevent a social revolution.

Again two things will have to be taken into account. The first principle which must permeate the whole bill is that the existing fragments should not be disturbed and I am glad to find that it has found a place in the bill. The second is that when new fragments come into existence they should not be treated as they have been treated in the bill. Clauses 16, 17, 18 and 19 create to my mind a very great calamity for those to whose share the new fragments fall, because they cannot sell it, they cannot mortgage it, they cannot lease it or transfer it, they cannot even cultivate it. Taking the concrete instance I have given the result will be that if any of the four sons happens to get one acre, when the standard unit is two acres, that land will become quite useless to him.

Mr. T. G. H. ANDERSON: No, it is not so.

Mr. K. M. MUNSHI : I beg your pardon, I shall read the clauses.

17. From the date of such an entry in the Record of Rights no new fragmented holding shall be sold, exchanged, mortgaged, leased or otherwise transferred except to the occupant, or in the case of a lease, to the lessee or owner of a contiguous holding.

18. Any lease or other transfer of a new fragmented holding shall be void to the extent to which it contravenes the provisions of this Act.

19. From the date of the entry made under section 16 no new fragmented holding shall be cultivated unless it is combined with a contiguous plot or plots so that the total area so cultivated shall be equal to or exceed the standard unit.

Suppose a contiguous owner says "I am not going to pay for that," under the provisions of clause 19, the contiguous owner will be able to squeeze out the owner from the land. Therefore the new fragment must be placed on the same footing as the old fragment so that the owner may be able to sell it to an outsider if the contiguous holders are not prepared to take it up. Otherwise the result will be for some years to come there will be hundreds of cases where many ignorant agriculturists to whose share such new fragments fall will be thrown out in the streets because their holdings will become absolutely useless to them.

I am very glad that the Honourable the Leader of the House has cleared the misunderstanding in the minds of the members on this side of the House with regard to clauses 3 (g) and 27, by stating that the same standard unit will apply both to the questions of consolidation and sub-division. I feel that, as the notion of profitable holding which is sought to be incorporated in this bill is so different from the notion of economic holding, an ampler definition of standard unit should be embodied in the bill. The unit which is defined in clause 3 is not an economic holding. Were it to be an economic holding it would be disastrous. Keatinge has given his opinion that 40 acres is the economic holding; Stanley Jevons 30; and Dr. Mann 20. If you start with that unit the result will be a great disaster. If it is a profitable holding then I admit that nothing can be said against it.

The next question is with regard to clause 21. It deals with partition. It requires that every person who wants to partition his property must go to the Collector. Where the Collector has got the authority to partition under the Civil Procedure Code, clause 21 may be made applicable; but if this provision is made applicable to all cases then it will become most dangerous. (Interruption.) No. Under decrees of Civil Courts only persons go to the Collector for partition. In the case of private partition they go to the Collector only to register their names. As I said if the provision in clause 21 is limited only to partitions under a civil decree it would be a welcome measure and the Collector will be able to partition the land in such a way as not to leave any new fragments behind. To my mind to do anything else seems to be dangerous.

With regard to Part II, Consolidation of Holdings, I wish to draw the attention of the House to one important fact. It is very easy to talk about profitable cultivation or economic production or anything of that kind, but we have to take into account the condition of the country. There is something in the nature of the law of proportions which reacts upon the production of large holdings. You require for maximum production of large holdings manure, live stock, agricultural implements

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and labour. In the process of consolidation care must be taken to see that lands do not go out of the hands of the existing agriculturists who may not have this necessary equipment. If in consolidation a larger unit is insisted on the agriculturist would require larger equipment—more capital—which he may not be able to invest—and he will be thrown out. Therefore even with regard to consolidation I submit that the unit must be kept on the same level as in the case of the new fragments. It appears to me that this danger will disappear if the standard unit is defined in a manner which will make it to be a unit of profitable cultivation looking to the condition of each district.....

The Honourable Sir CHUNILAL MEHTA : How will the honourable member define it ?

Mr. K. M. MUNSHI : That will have to be defined. It must be a profitable cultivation in view of the existing conditions of each district. Otherwise if the standard unit is put down at 10 acres it will be very difficult to reduce it afterwards. For the purpose of consolidation if you put the figure higher it will be driving the agriculturists into the streets.....

The Honourable Sir CHUNILAL MEHTA : I want legal assistance in defining it from so distinguished a lawyer.

Mr. K. M. MUNSHI : I will do my best and I cannot suggest it now.

It will have to be borne in mind that when defining the unit the figure is not kept so high as to drive the lands into the hands of the non-agriculturists. Then, Sir, with regard to consolidation I have got one objection which applies to the machinery which is being set up in the second part of the bill. Sir, I have found in some of the bills which have been before the Council for the last two sessions that more and more powers are being vested in the Collector of the district. So long as he is the guiding star which invisibly influences the local boards and municipalities and land divisions like this, his assistance and influence would be absolutely welcome. If at any time things go astray, we may look to him for bringing things to proper order. But if in every legislation, as I have found here, more and more powers of a judicial character are transferred to the hands of the Collector, then even men who do not call themselves politicians here will see the danger of such transference of power. Therefore, the tribunal set up, to my mind, should be a tribunal more or less non-official influenced by the officials only to the extent of their guiding the tribunal.

It really comes to this that every man for the purpose of consolidating his land has to approach the Collector and a number of officials under him, and the result is that the whole process of consolidation will reduce every district into a kind of melting pot where the Collector and his department would be absolutely supreme. (An Honourable Member : It is the district judge who is the president of the tribunal, not the collector). If I may read clause 42, it says :

“ The Tribunal of Arbitration shall consist of a President and two assessors. The President shall be the District Judge, one assessor shall be a person having no interest

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in the land of the village and appointed by the District Judge. The other assessor shall be the consolidation officer."

Therefore, I say, indirectly the executive would be able to influence this consolidation. It should be so provided that the executive will not be able to re-distribute the district irrespective of the wishes of the people.

Then, the other two clauses to which I take strong exception are clauses 71 and 72. So far the law has not defined the position of the ryotwari tenant : so far it has left in doubt whether the ryotwari tenant is merely a tenant or the owner of the land. Now, we do not want that this legislation should in any way affect the interests of the ryotwari tenants in the ownership of the land. Clause 71 says :

"On the publication of the sanction of the Governor in Council to the scheme the whole of the redistributed area shall be deemed to vest in Government as if it had been acquired under the Land Acquisition Act, 1894, and until it is re-allotted."

This provision is really revolutionary and must go. These are, to my mind, some of the features of this bill which require to be altered. I am sure that if these are altered to the satisfaction of the non-official members they will have no objection to place this bill on the statute book. A social legislation of this kind will be considerably successful if it is generally permissive in character though to a slight extent compulsory.

Rao Saheb D. R. PATIL (East Khandesh District) : Mr. President, I have tabled a motion. My motion is that the consideration of this bill be postponed to the next session of this Council. It is true that Government are actuated by the best of motives and they want to improve the condition of the agriculturists : I have not the least doubt about that. But the question is whether the bill, as it is submitted to us, will really be a blessing or will be a curse. That is the point to be considered.

The DEPUTY PRESIDENT : The honourable member is only allowed to make a brief explanatory statement.

Rao Saheb D. R. PATIL : Mr. President, I do not want to deal with the various clauses of the bill which require great modification, but I will simply confine myself to a brief statement as required by you. This bill is really of a revolutionary character : it might confer a lot of good or it might prove to be a curse as the Deccan Agriculturists' Relief Act. In the case of the Deccan Agriculturists' Relief Act the intention of Government was to benefit the agriculturists ; but what is the verdict of experience ? I am sorry to observe that that Act instead of doing good to the agriculturist has done them a lot of harm and benefited the sowcar. Now, Government is trying to put this bill on the statute book. This is the first bill of its nature in this country which Government is trying to place on the statute book. No doubt, instances of Denmark and Baroda have been cited by the Honourable the Leader of the House but the analogy of Denmark does not apply to our country.....

The Honourable Sir CHUNILAL MEHTA : Sir, is it a speech or a brief explanatory statement ?

The DEPUTY PRESIDENT : I have already drawn the attention of the honourable member to the fact that he is entitled only to make a brief statement. This is what the Standing Order says :

“ The President, after permitting, if he thinks fit, a brief explanatory statement from the mover of the motion, and, if the motion is opposed, from the Member opposing the motion, may without further debate put the question thereon.”

Therefore the honourable member will take note that he is allowed only to make a brief explanatory statement.

MOULVI RAFIUDDIN AHMAD : Sir, what is the measure of brevity ?

The DEPUTY PRESIDENT : That will depend upon the circumstances of each case.

Rao Saheb D. R. PATIL : “ Brief statement ” is not defined, but we have to take the ordinary commonsense view. Mr. President, it is necessary that we want to do good to the agriculturists. But my question to the Honourable the Leader of the House is when he wants to take so much trouble for the good of the agriculturists, will he not have the patience to obtain the opinion of the public on this bill, so that we can consider the views of various people and then decide on the merits of this bill whether it should be put on the statute book or not. It might be argued on behalf of the other side that the opinions of district local boards have been obtained. But my view is that the agriculturists should be given a longer time to submit their opinions. Therefore, without making a longer statement, I would ask the Honourable the Leader of the House to accept this motion and wait for some four months more and then try to put this bill on the statute book if it is found to be essential to do so.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to oppose the motion. I do not know whether the honourable member is aware that the consideration of this bill was postponed in the last session just to meet this particular request. It had already been translated, but it was postponed. I have received, I believe, about three opinions since the last session. But as the honourable member himself pointed out the opinions of various non-official bodies have been obtained long ago. I therefore see, Sir, no reason for postponing this bill. The honourable member tells us that it may be taken up at the next session. He is very well aware that at the budget session a bill of this nature cannot be taken up. I am not prepared to agree to frequent postponements.

Question put and lost.

Rao Saheb D. R. PATIL : I claim a division.

The DEPUTY PRESIDENT : I will follow the procedure followed yesterday. I will ask honourable members to stand up in their places and count the votes.

5 for the Ayes and 22 for the Noes. The motion is lost.

Rao Saheb D. R. PATIL (East Khandesh District) : Mr. President, my honourable friend Mr. Munshi has dealt with some of the aspects of the bill from legal points of view. No doubt the Honourable the Leader of the House will get good name and fame if this bill is properly improved

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before it is put on the statute book. It will be unsafe to the peasantry unless the bill is properly improved. Mr. President, my only difficulty is that if we look to the illiteracy of the peasantry it will be very hard for them to go outside for employment after they are deprived of their lands under this bill. The Honourable the Leader of the House stated that when the consolidation scheme would come into operation there would be more demand for labour. I am sorry to differ from him because that will not be so. When the consolidation scheme will be effected the poor agriculturists will be driven to cities for their bread and it will be very hard for them to get employment there, as there are no two opinions on the point that the question of unemployment has now-a-days assumed serious shape and so far as my district is concerned the position of agriculturists will be miserable, if this bill were to pass into law as it is. Because they are illiterate and they will be unwilling to leave their homes on account of the deprivation of their small holdings. Land to them is as dear as life and soul. According to the Honourable the Leader of the House improvement of agricultural lands can be effected by following a scheme of consolidation. May I know, even if we follow the scheme of consolidation, whether the status of the agriculturists will be improved necessarily? Now I can quote cases where agriculturists own lands on a large scale, yet they are not prosperous. The reasons for that are irregular rains, agriculturists' indebtedness to sowcars and their ignorance. So it is not only because they possess scattered portions of land that it operates as an obstacle to their real progress. There are other factors which operate as obstacles. Under these circumstances, why should not Government have recourse to the removal of those obstacles which really stand in the way of the prosperity of agriculturists. As I stated, some of the obstacles are irregular rains, illiteracy, indebtedness of agriculturists. So far as their indebtedness is concerned Government ought to take some measures in order to remove the grievances of the agriculturists in that respect. Again when the rains are irregular there is difficulty about getting good crops. In that case the proper remedy would be to undertake a scheme of irrigation. What I want to say is that there are other factors which really operate against the agriculturists being prosperous.

Again in the first part of the bill there are two kinds of holdings, fragmented holdings and the new fragmented holdings. So far as the fragmented holdings are concerned the Honourable the Leader of the House has made a good provision. The occupier or an owner of a piece of land below the standard unit may sell it to any person he likes subject to this proviso that the neighbour should be given the chance of buying the land on the payment of the price offered by a stranger. So far as the new fragmented holdings are concerned there is no such salutary provision. In the case of a new fragmented holding an owner of a piece of land which is below the standard unit must sell it to his neighbour. He is given no alternative as is provided in the case of a fragmented holding. In such a case an agriculturist cannot get a fair price. As there is a safe provision in the case of fragmented holdings the owner

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can get a fair price. In the case of new fragmented holdings there is no such safeguard which ought to exist in the interests of agriculturists.

I want to bring to the notice of the Honourable the Leader of the House clause 27. That clause says :

"With the object of forming economic holdings for the purpose of more profitable cultivation the Governor in Council may by notification in the *Bombay Government Gazette* declare that a scheme for any village or for any area in a village shall be made to consolidate and redistribute the holdings of land."

In the statement of objects and reasons it has been mentioned that only scattered portions of land will come under clause 27. If that is the object then this clause ought to be improved in this sense, namely that the consolidation scheme will be limited to scattered portions of land and not to any other land.

There are also other clauses which require modification as, for instance, the clause dealing with the appointment of a committee. Again there are certain restrictions on alienated and fragmented holdings and I have had my say on that subject to some extent. In my opinion, Sir, if this bill is to be put on the statute book it must be of a permissive nature. It must not be compulsory at all. The Honourable the Leader of the House quoted the instance of Baroda. There the law is of a permissive nature. So why should not this bill be put on the same level as that of Baroda ? Again, the Honourable the Leader of the House has quoted the instances of Denmark and other countries. My submission to him is : Why does he quote these foreign countries only so far as to serve his purpose ? There are many good things in foreign countries. Why does he not try to introduce those things here ? Simply, he quotes some instances of foreign countries here and there so far as the present bill is concerned and he wants to satisfy us anyhow. My submission is that the case of Denmark stands on a different footing altogether. There, the agriculturists are literate persons; they are not illiterate people like those in the Bombay presidency. They know the proper use of the best and proper implements of ploughing, etc., and they will use them to the best advantage. It is not so here. So, how can we place the case of Denmark and other countries on a level with that of India ? Be that as it may, I think, Sir, that the bill, so far as it stands at present, will not be acceptable to this honourable House. With these remarks, I oppose the first reading of the bill.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Sir, I rise to support the first reading of this bill. The excessive sub-divisions and fragmentations of agricultural holdings impede the cultivation on economic principles. The cultivation of such small sub-divisions requires more labour and time but yields only less produce. The result is that the cultivator hardly gets what he has spent on his land. It gives no opportunities to the cultivator to undertake any measure of improvement of his land owing to the smallness of the plot. He cannot construct *tals*. He cannot outlet the excessive flow of water from his land without inconvenience and detriment to his neighbour. Any attempt in this connection would prove a source of

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unnecessary troubles and quarrels among his fellow cultivators. A small sub-division is not exempted from the essential paraphernalia of the full survey number as it requires the maintenance of standard boundary marks, etc., which means still lessening the area of the already minimum sub-division. Besides he cannot build any extensive bandh as in the case of a large survey number used for grazing of the bullocks in leisure hours. The poor cultivator of a small sized holding, under those circumstances, has to take fodder from his house for this purpose, whereas the bullocks of a fortunate owner of a large survey number enjoy the green grass on the extensive bandhs. Sir, I have come across the evils of excessive fragmentation or sub-division of land in my district of Sholapur, and as instances I may quote four villages in the Sangola Taluka, namely, Kole, Pachegaon, Chopadi and Lonvire, which show that this evil has gone to such an extent that these sub-divisions are less than one acre in area. If you permit me, Sir, I will show you and the House that in the village of Kole there are 136 sub-divisions of holdings of 1 to 5 gunthas, 231 of 6 to 10 gunthas, 193 of 11 to 15 gunthas, 274 or 214 of 16 to 20 gunthas, and so on. Twenty-five sub-divisions have been kept fallow on account of inconvenient size of hissas out of a total of 2,987 sub-divisions. It will be seen from the statement that nearly half the total number of hissas are below 1 acre.....

The Honourable Sir CHUNILAL MEHTA: Will the honourable member repeat what he said about these hissas remaining uncultivated?

Khan Sahab ABDUL LATIF HAJI HAJRAT KHAN: Twenty-five sub-divisions kept fallow on account of inconvenient size of hissas out of a total of 2,987 in the village of Kole in Sangola Taluka. Out of the 103 khatedars whose holdings are below 1 acre, 50 are obliged to let their lands to others either on nominal rent or on condition that the man who cultivates the land pays out the assessment thereon and seeks other employment in the village or elsewhere, because the small pieces held by them are not at all paying and they can hardly maintain themselves on such very small holdings even for a fortnight.

Similarly, Sir, in the village of Pachegaon Khurd in the same taluka, 68 sub-divisions remained fallow on account of inconvenient size of holdings out of a total of 1,074 sub-divisions, and also in village Chopadi 23 sub-divisions remained fallow out of a total of 1,643, and 21 sub-divisions remained fallow on account of inconvenient sizes of hissas out of a total of 332 sub-divisions in village Lonvire. So that, most of the khatedars of small holdings know full well that it is no use holding such uncultivable pieces of land. Still they have got such a strong sentiment that they are not willing to part with them. The reason for such sentiment is this, that if they part with them, they will lose the title of being called agriculturists and landlords. The sentiment is so very prominent in every agricultural class of people that if they lose such pieces of land, they will come under the category of labourers.

Sir, in this bill I do not find any definite proposal of a unit. Well, what should be a unit? According to my district I may say of jirayat land the unit should be 15 acres and bagayat 5 acres. (An Honourable



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Member : Oh, rather big). Well, this is my experience ; I am an agriculturist and I am dealing with my experience. Then, a unit should be such a plot of land which would maintain a family consisting of a husband and wife, and two children, and bullocks. This unit would certainly vary according to the quality and the location of the plot. I support the first reading and in the select committee we will see what happens. With these words I support the first reading of the bill.

Mr. M. S. KHUHHRO (Larkana District) : Sir, I rise to support the first reading of this bill. I sincerely feel that this bill is in the interests of the agriculturists, because it will do away with uneconomic holdings and will tend to retain holdings of such a kind and in such a manner as will prove beneficial to the agriculturists. Sir, India is primarily an agricultural country and agriculture is the chief industry of India. Under these circumstances, it is very necessary to investigate the problem of economic holdings in this country and consolidate in such a manner that they allow the agriculturist to lead a happy or at least a contented life, by quietly doing the cultivation, being undisturbed in his peaceful work, by the evils that are the outcome of the excessive sub-division of holdings. The Honourable the Finance Member in his eloquent and convincing speech, has given certain facts which are most striking, and he quoted certain examples wherein a single survey number measuring 3 acres 35 gunthas there were 47 partners, and in a survey number measuring 9 acres and 15 gunthas there were something like 75 partners. It is not practically possible that under such circumstances so many partners will at all be able to cultivate the land economically. They will more be absorbed in their own quarrels rather than do the intensive cultivation. During the last session this bill was circulated to honourable members, and as a matter of fact, I was thinking of tabling an amendment that this bill should also be extended to Sind, but, Sir, after subsequent consideration I thought it better to wait for a time because the conditions of Sind are materially different and it was not so very a pressing problem in Sind which could make the immediate application of this absolutely essential, as it was in the Presidency. I think that the time is not far off when the need for a similar bill will be felt keenly in Sind as in the Presidency at present. The revenue system of Sind is materially different from that of the Presidency. In the Presidency even before the advent and conquest of the British there was the ryotwari system as explained by the Honourable the Finance Member, and under the ryotwari system cultivators were directly dealing with Government without the intervention of a middle man (Zamindar) and each cultivator had a small holding of land say 30 or 40 acres at the most. By this ryotwari system each village had a certain area of land to cultivate in which they were all partners and they paid land revenue to State or the Ruler in a lump sum. While in Sind since pre-British days during the rule of Mirs and even before there was the zamindari system, which is similar to that of Bengal and according to that zamindari system each zamindar had a large holding. There were three classes of zamindars—one class was exempted from land revenue and this was called the Jahagirdar class ;

[Mr. M. S. Khuhro]

the second class was considered to be chief zamindars collecting assessment even for Government for certain number of villages assigned to them and they received considerable share of revenues from state as a remuneration. And they possessed lands of their own as well and the third class of zamindars was dealing with cultivators who got a share in the corn and who paid assessment to Government as every ordinary zamindar does. Even after 1843, when the British conquered Sind, the same system was continued and the grants that were subsequently made were also made on the same system. That means that large areas were given to individual zamindars and this system was considered to be most favourable, though the duty of collection of revenues for State ceased to be continued but they were allowed to receive the same remuneration by them. But in the Bombay Presidency the same ryotwari system continues. That was the reason why the sub-division of holdings has been far more in excess in the presidency than in Sind. The reason why the excessive sub-division of holdings has happened is fundamentally due to the law of inheritance. The Indian law of inheritance both of Hindus and Mussalmans and more particularly of Mussalmans allow all the male members to be entitled to a share in the landed property, while in the case of the latter female members even receive their due shares. However, this fact cannot be denied that the law of inheritance entirely tends to the excessive sub-division of holdings. Of course, as explained by the Honourable the Finance Member, it is not possible to alter the laws of inheritance or to bring about any measure affecting them as any such measure will be considered as revolutionary in this country. Under these circumstances, it is found necessary to bring in a bill of this kind so that it may do good to the individual small land holders.

In those parts of the country where there is cultivation on inundation, it is still more difficult to cultivate fragmented holdings which are less than the economic standard units. For instance, the whole province of Sind is cultivated by means of irrigation on the river water. There a survey number is in many cases not larger than four or five acres. If such a survey number is sub-divided into many partners, there will be endless quarrels over the distribution of water. It is a fact that even at present there are so many sub-divisions of holdings in Sind and there are quarrels and during the inundation season, you will find that the courts are full of these cases and at times murders are committed. These are the few evils of excessive sub-division of holdings. But I wonder what will be the case in Sind ten years hence.

I now wish to deal with the various objections raised by the speakers who preceded me. I believe the honourable member Mr. Munshi raised objections to clause 19 of this bill. Clause 19 is to the effect that these fragmented holdings below standard units will not be allowed to be cultivated unless so multiplied that they come up to the standard unit fixed in that part. I think the retention of this clause will be necessary because if the clause is there these fragmented holdings will be given to the neighbours who can conveniently and economically cultivate them.

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Then again, the argument was advanced by some honourable members that a unit should not be unnecessarily big. I quite agree that there is a good deal of force in this argument. In my opinion the economic standard unit should be fixed as low as possible with a view that it should be just adequate for the maintenance of a person and his family and a pair of bullocks entirely from the income of the land. Some fears are entertained by some of the honourable members that some people will be dispossessed of their lands. I do admit that some people will be dispossessed of their holdings, but it is not possible always to satisfy all sections of the people. We have to look to the greater good of the greater number. Of course many people will gain advantage out of this bill and if some are dispossessed, they can easily take to labour, and such other professions on the strength of the amount received in compensation for the bits of land they lose. I personally feel that there will be no practical difficulty if they get money in exchange for land and take to some other business. I do think that this is a feeble argument.

Some members have suggested that at this stage it will be better if this bill is made a permissive measure, but I think if we make it permissive, it will not be so useful and the progress will be very slow in the improvement suggested. We should profit from the experience of the Punjab where a permissive measure has not proved quite equal to the need of the people and the country, even though about sixty thousand acres of land have been re-arranged and properly consolidated there, by co-operative department; consequently the Government of the Punjab suggest that they are in favour of legislation of this kind.

As regards clause 71 and clause 72, I think even the retention of these clauses with certain modifications will be necessary and beneficial. There are some minor suggestions which can be made in the select committee or at the second reading of the bill, but as a whole I think this is a very good bill and it will be a very good thing if in a short time this bill is extended to the province of Sind as well.

The THAKOR of KERWADA (Northern Division): Sir, I come from a part of the country which is known as the cotton growing district, and I have the honour to represent the agriculturists of that part of the country, and therefore on their behalf I heartily congratulate the Honourable the Leader of the House for introducing this measure which has been coming to the front for a long time. I happened to be on this Council in 1916 and my honourable friend the Honourable the Minister for Local Self-Government, Sir Ghulam Hussain, must be fully aware of the fact of our being very keen on getting a measure of this kind passed through this Council. I must say at the same time that a bill of this nature should not be rushed through because it affects in many ways the life of the agriculturists, and it brings about revolutionary changes in regard to inheritance which is governed by Hindu and Mahomedan laws. Besides there are certain clauses which require to be considered very carefully in detail which cannot be done unless the bill is referred to the select committee. Sir, the bill is for the benefit of the agriculturist, and for the agricultural advancement of

[The Thakor of Kerwada]

this Presidency, and that is why I am supporting this measure. We must agree to do that which leads to the greatest good of the largest number. The real question is whether, by allowing the present practice of minute sub-division to continue, it will tend to improve or advance the great industry of the country as a whole or retard it. Of course, some people may suffer losses particularly the owners of uneconomic holdings, but when the country as a whole depends on agriculture, we have to consider whether we should not take drastic steps with a view that the industry as a whole should be given an impetus and brought on a level with that of other civilised countries of the world. That is the main issue. As regards the difficulties which have been pointed out by various honourable members, they can be remedied or mitigated whilst the bill is being discussed in the select committee, where we will have ample opportunities to discuss these matters. I think we must be prepared to take a serious view of the situation. I think, looking to our connection with the British Government for the last century and more, the greatest industry of the country, namely, agriculture has not made any advance, and that, from the agricultural point of view, India is one of the most backward countries. The Honourable the Leader of the House has taken very great pains in placing the bill before the House with great lucidity and mastery of detail, and we should support the bill, and it should be referred to a select committee. But again I would request that the bill should not be rushed through. It does not matter if there is a little delay in passing the bill, but ample opportunity should be given for discussion. With these remarks, I support the first reading of the bill.

Rao Bahadur B. R. NAIK (Surat District): Mr. President, I also join the honourable member who preceded me in congratulating the Honourable the Finance Member for taking a keen interest in matters agricultural, and the trouble he has been taking in this connection ever since he took over charge of the portfolio of Agriculture six years ago. He has laboured much to collect various data on this subject not only with regard to this presidency, but also with regard to other places, and he has brought forward this measure. Sir, if this measure does not deserve wholesale condemnation it certainly does not deserve wholesale acceptance also. The object, Sir, is to create economic holdings or holdings of profitable cultivation. Sir, it has not been laid down what is an economic holding nor has it been laid down what will be the size of the standard unit; it depends on local conditions, and therefore the local committee will be the best judge for it and therefore the fixing of the unit has been left to the local committee. But at any rate some honourable members of this side of the House have given expression to their opinion about the size of the unit. Some of the honourable members want it to be 15 acres. You know very well that for Gujarat about 15 to 20 acres are required for an economic holding, and if it is the intention of Government in bringing forward this bill that economic holdings should be created, we have to see what would be the result of this measure. The honourable mover of this bill has placed before

[Rao Bahadur B. R. Naik]

this House the figures of the small holdings in the various divisions of the presidency, and it has been admitted that India, including this presidency, depends upon agriculture. According to the latest calculations 64 per cent. of the population of this presidency depends on agriculture. What is the average acreage of land per head held in the various districts in this presidency? It is—Ahmedabad 2, Surat 1·15, Kaira 1·17, Panch Mahals 1·7, Broach 2·15, West Khandesh ·68, East Khandesh 1·19, Nasik 2·9, Ahmednagar 4·1, Poona 1·8, Sholapur 3·2, Satara 2·2, Belgaum 2·3, Bijapur 4·05, Dharwar 1·6, Thana 1·3, Ratnagiri ·8, and Kanara ·7. Now, this is the cultivable assessed land in possession of the agriculturists per head.

The Honourable Sir GHULAM HUSSAIN : Is that including males, females and children?

Rao Bahadur B. R. NAIK : Yes, it includes everybody. Now, it has been admitted by the honourable mover of this bill that on account of the fragmentations of holdings and excessive sub-divisions the land is deteriorating, agriculture is being impoverished, and the yield also is getting less and less. But I wonder whether the Honourable the Revenue Member accepts this dictum, because from the various reports regarding enhancement of land revenue in the presidency, it is quite clear that Government think that the ryot is getting prosperous, and that the agriculture is improving day by day. Therefore, Sir, from this point of view, I am delighted at the admission of the Honourable the Finance Member who is the Senior Member of the Cabinet, that the land is being impoverished and the agriculturists are getting poorer.

Now I come to Surat district. Let us assume that it is the intention of the honourable mover of the bill to fix a minimum unit for jirayat and bagayat lands and let us assume for the sake of argument that although he will not accept the unit that was suggested by one of my honourable friends, namely, 15 acres for jirayat, I doubt whether he will accept less than 3 acres for jirayat land and  $1\frac{1}{2}$  acres for bagayat land. That is the minimum which it must be the intention of the honourable the mover to accept. But probably it is the intention of Government to fix the minimum at 5 to 10 acres for jirayat land and 2 to 3 acres for bagayat land. But I take the minimum. If Government take 2 to 3 acres for jirayat and 1 to  $1\frac{1}{2}$  acres for bagayat land, what would be the result? For Surat district the average acreage of land held per head is 1·15 acres. Now take Chorasi taluka in the Surat district. In the case of Chorasi taluka, the Government Resolution issued at the instance of the Cabinet of which the Honourable the Finance Member is a senior member stated that it is one of the most prosperous talukas in the presidency, and the enhancement of assessment has been fixed at 19 per cent. Now, the total acreage of that taluka is 48,258, which is divided among 8,297 holders. Out of these 8,297 holders, as many as 5,500 own 1 to 5 acres; that is 66·8 per cent. is owned by holders whose holdings range from 1 to 5 acres. Below 1 acre, it is 3 per cent. of the total holding; from 6 to 25 acres it is 28 per cent., and from 26 to 100 acres it is 4 per cent., but I am only concerned with holders who own

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5 acres and below from 1 to 5 acres, as I said, the percentage is 66·8, plus 3 per cent. below 1 acre, that is 70 per cent. Now, according to the dictum of the honourable mover it is clear that this taluka is also getting impoverished day by day, and the agriculturists cannot cultivate these small fragments profitably which is also a fact, and yet the Honourable the Revenue Member told me, when I waited upon him as one of the members of a deputation, that it was one of the most prosperous talukas in the presidency and on this assumption the land-revenue had been enhanced. If, on account of fragmentations, proper cultivation cannot be done, how can this taluka be called the most prosperous in the presidency, and how is it that Government have held that the condition of this taluka is improving?

Sir, this is one of the most important subjects which came before this House and it requires full consideration. I have already informed the House that in the Chorasi taluka 35 to 40 per cent. of the holdings are below 3 acres and even if the Honourable the Leader of the House accepts 3 acres as the standard minimum unit, these 35 to 40 per cent. of the holders will be dispossessed of their holdings and thrown out of employment. Even if he accepts the standard unit at  $2\frac{1}{2}$  acres in the case of jirayat land about 35 per cent. of the population will be thrown out of employment.

Mr. F. G. H. ANDERSON : Does the honourable member mean that the whole of the Chorasi taluka is jirayat?

Rao Bahadur B. R. NAIK : The honourable member has asked a very pertinent question. I have got the figures here : rice is 1·40 per cent. of the total acreage of the taluka, wheat is ·66 per cent., fruits and vegetables is 5·16 per cent. These figures are taken from the official statistics to which the signature of the honourable member Mr. Anderson is affixed. About 35 per cent. of the holders of the jirayat land will be thrown out even if  $2\frac{1}{2}$  acres is made the standard unit. In the case of bagayat about 40 to 50 per cent. of the holders of bagayat and rice land will be thrown out if the standard unit is fixed at 1.

The Honourable Sir CHUNILAL MEHTA : May I ask the honourable member whether there is any prohibition against joint ownership provided in the bill? Does it necessarily follow that all these holders of land below five acres will insist on physically dividing the land exclusively?

Rao Bahadur B. R. NAIK : Let them do it voluntarily. This small holding is not a matter of to-day but since the introduction of pot-hissa system, for the last 20 years, people are compelled to get these small holdings registered in the record of rights which has brought this fact to the notice of Government. Prior to this if 10 bighas were divided among five brothers, they used to measure the land with sticks and rope and not even with chain and used to say "you cultivate this," "you cultivate that." The whole survey number used to be in the name of one man in Government registers. Now, he is compelled to register his holding; otherwise his right will not be recognised by Government.

Mr. F. G. H. ANDERSON : There is no compulsion to subdivide : we never register or record a sub-division unless, first of all, the holders have made it.

The Honourable the PRESIDENT : What the honourable member says is that the introduction of pot-hissa has had this effect. (The Honourable Sir Chunilal Mehta indicated dissent.)

Rao Bahadur B. R. NAIK : This is contained in the orders issued by the Government.

With regard to Bardoli taluka, the number of holdings of 5 acres and below is 63 per cent. and the number of holdings above 5 acres and below 25 acres is 33½ per cent. With the holdings above that size I am not concerned. Therefore the percentage of holders who will be thrown out can be easily understood by this honourable House if this measure is passed into law to achieve the object, viz., to create the holdings of the size of profitable cultivation. Coming to the Matar taluka of the Kaira district, the total holdings are 18,579 and the holdings under 5 acres are 13,466. It means that about 75 per cent. are holders of land under 5 acres and if not all half of them will be thrown out.

Coming to Mehmabad taluka of the Kaira district the total number of holdings are 18,291. Under five acres there are 13,351 holders. Here also the total number of holders below five acres works out at 75 per cent.

Coming to Daskroi taluka of the Ahmedabad district there are 6,226 holders and out of this 4,093 are below five acres. If this provision is applied the whole of this 4,093 holders will be thrown out.

As I have got to say still more on this point I will require some more time.

The Honourable the PRESIDENT : The House is now adjourned till 2 o'clock on Monday, the 10th October 1927.





*Monday, the 10th October 1927*

The Council re-assembled at the Council Hall, Poona, on Monday, the 10th October 1927, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESAI, Rao Saheb D. P.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HATCH, Mr. G. W.  
 ISHAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
 JEHANGIR, the Honourable Sir COWASJI  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS

KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHRO, Mr. M. S.  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. G. I.  
 PATEL, Mr. J. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT. Sardar S. B.  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.  
 WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Order, order. Questions.

## WELFARE WORK

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(a) when they intend to set apart the two lakhs of rupees for the welfare work, which was passed by the Council in the budget session of 1926 ;

(b) if financial stringency is the cause of their not yet setting apart this amount, whether they propose to allocate at least a portion of the sum seeing the urgent necessity and importance of the subject ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) Attention of the honourable member is invited to the Press Note No. P.—263, dated the 23rd December 1926. Owing to financial stringency Government are unable to include any lump provision in the estimates of 1928-29 on account of grants-in-aid to Welfare Organizations, although applications from individual institutions have been or are being considered on their merits and with due regard to the funds available for the purpose.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : How many individual cases have been dealt with and to what extent in 1926-27 and 1927-28 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I require notice of that question.

Mr. R. S. ASVALE : How many applications were received from individuals during the last nine months ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I require notice of that question.

## EDUCATION MINISTER : VISITS TO MUHAMMADAN EDUCATIONAL INSTITUTIONS

MOULVI RAFIUDDIN AHMAD (Central Division) : Will Government be pleased to state—

(a) whether the Minister of Education has visited any of the Muhammadan educational institutions in the presidency ;

(b) if so, the names of those institutions and the dates of the visits ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) The Panchgani Darul-Uloom Muslim High School (which is presided over by Sir Abas Ali Beg) in May and Seth Dost Mahmud's Orphanage and School for Girls in September 1927.

MOULVI RAFIUDDIN AHMAD : May I know if the Honourable Minister visited this Darul-Uloom High School on his way from Mahableshwar to Poona, or he went to Panchgani for this purpose from Mahableshwar ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The Minister went to Panchgani especially to visit two educational institutions.

## MEDICAL PRACTITIONERS

Mr. A. M. ATAVANE (Kolaba District) : Will Government be pleased to state—

(a) the number of Allopathic Medical practitioners in the Bombay Presidency who have obtained their diplomas from the non-official Allopathic Medical Institutions which existed before the passing of the Indian Medical Degrees Act of 1916 ;

(b) the names of such non-official medical institutions and the number and names of those which are now existing ;

(c) the number of medical practitioners who have obtained their diplomas from these institutions and whose names have been registered under sub-section (3) of section 7 of the Bombay Medical Act of 1912 as amended later on ;

(d) the number of persons who have been given special sanction by the Governor in Council under section 11 of the Bombay Medical Act, 1912, to hold any appointment as a Physician, Surgeon, or other Medical Officer in any dispensary, hospital, infirmary or lying-in hospital, not supported entirely by voluntary contributions, or in any public establishment, body or institution, or as a Medical Officer of Health, though not registered under the Medical Acts ?

The Honourable Sir COWASJI JEHangIR : (a) and (b) The information is not available.

(c) 42.

(d) 6.

## EDUCATIONAL FACILITIES : NORTH KANARA CHRISTIANS

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether it is a fact that the backward Christians of North Kanara submitted a memorial to Government asking for special facilities for their educational advancement about a year ago ;

(b) what action they have taken or intend to take in the matter and when ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) No action was taken on the memorial as Indian Christians except Anglo-Indians, Goans, and East Indians, are already classed among "Intermediate" communities and are thus eligible for educational concessions available to those communities.

## BUILDING SITES : APPLICATIONS BY SWEEPERS OF GODHRA

Mr. DAWOODKHAN SHALEBHOY (Northern Division) : Will Government be pleased to state—

(a) whether it is a fact that some sweepers (Bhangis) of Godhra applied to the Collector for land to build their dwelling houses ;

(b) if the answer to (a) is in the affirmative, how was their application disposed of ?

The Honourable Mr. J. L. RIEU (a) Yes in 1924.

(b) They were given land from survey Nos. 235 and 285 reserved for grazing and cremation grounds. The Hindu community, however, objected to the grant on religious grounds, and the Bhangis also declined

to take up the land and selected survey No. 1249 which had originally been granted to the Municipality for the accommodation of the Bhangis. The Municipality was, therefore, asked to provide the Bhangis with land from this survey No. Since then, however, the Bhangis have objected to this site owing to their private disputes with their castemen living on it. Steps are therefore being taken to accommodate them elsewhere.

REVENUE DEPARTMENT : PANCH MAHALS MAHOMEDANS—CLERKS,  
TALATIS

Mr. DAWOODKHAN SHALEBHOY (Northern Division): Will Government be pleased to state the number of Mahomedans taken up in the Revenue Department of the Panch Mahals District as clerks and talatis during the years 1924 to 1927.

The Honourable Mr. J. L. RIEU : Three : one clerk and two talatis.

D. A. R. ACT : APPLICATION OF CHAPTER V

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state—

(a) whether there is any proposal to extend chapter V of the D. A. R. Act to the other agricultural parts of the presidency ;

(b) if so, when they intend to extend the provisions of the said chapter to those parts ;

(c) if the reply to (a) is in the negative, whether they intend to apply the provisions of chapter V of the said Act to the other parts of the presidency ;

(d) if so, when ?

The Honourable Mr. J. E. B. HOTSON : (a) and (c) No.

(b) and (d) Do not arise.

BOARDING SCHOOLS FOR NAYAKDAS, HALOL

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) whether they are aware that the number of the Nayakdas is 94,000 in Gujarat and 20,500 in the Panch Mahals ;

(b) whether it is a fact that no steps have been taken by them for the uplift of this community and for the spread of education among them ;

(c) whether it is a fact that the Panch Mahals district school board has submitted a scheme for starting a boarding school for Nayaks or Nayakdas in the Halol taluka ;

(d) what their attitude towards this scheme is ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) According to the last census returns the number of Nayakdas is as under :—

*In Gujarat*

42,434 males

42,535 females

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84,969 Total.

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*In the Panch Mahals*

10,381 males
10,160 females
<hr/>
20,541 Total.
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(b) No. As Nayakdas are jungle tribes most of them live in huts built in isolated places, very often in their own fields. Schools exist in the neighbouring villages but, as the community is a backward one, very few children attend these schools in spite of persuasion and encouragement. In the Hailol Taluka where the population of Nayakdas is the highest, the schools near their places of abode are situated as under :—

Rameshra, Shivrampur, Pavagadh, Itwadi, Amabli, Vasvel, Morkhala, Kuvarpura, Gansarvav and Koprej.

(c) Yes.

(d) The question is under consideration.

#### MONEY-LENDERS' SERVANTS : PANCH MAHALS

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) whether they are aware that money-lenders in Panch Mahals employ persons of questionable character to recover their dues from their debtors by terror and torture ;

(b) if not, whether they propose to make inquiries in the matter ?

The Honourable Mr. J. L. RIEU : (a) and (b) Enquiries go to show that this abuse is now a thing of the past. If it is permissible to make any inferences from other questions asked by the Honourable Member, it would appear that the persons of questionable character have now set up in the money-lending business on their own account and exercise their wiles for their own advantage instead of that of their former employers.

Mr. G. I. PATEL : Do Government intend to take any measures to stop them doing money-lending business on their own account and prevent them from exercising their wiles for their own advantage ?

The Honourable Mr. J. L. RIEU : I am not aware of Government having any such intention.

#### GOVERNMENT SERVICE : RECRUITMENT FROM BACKWARD COMMUNITIES

Sir VASANTRAO DABHOLKAR on behalf of Mr. HOOSENALLY M. RAHIMTOOLA : Will Government be pleased to state—

(a) the number of vacancies that took place in the City of Bombay in the various departments of Government since the issuing of the Resolution of Government in 1925 prescribing a minimum percentage of recruitment from the members of the backward communities to the public services ;

(b) how many of the above vacancies were filled by the appointment of the members of the backward communities ;

(c) how many of the above were Mahomedans ?

The Honourable Sir CHUNILAL MEHTA : The information has been called for.

SCHOOL BOARD, BULSAR : NOMINATION

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) whether it is a fact that one member is nominated from the Mochi community to represent the depressed untouchable class on the School Board, Bulsar, district Surat ;

(b) if so, why a member of the touchable (Mochi) class is nominated setting aside the rights of the untouchable ,

(c) the reasons which actuated Government to make such nomination ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No nomination to represent the untouchable classes on the School Board, Bulsar, was made.

(b) and (c) Do not arise.

Dr. P. G. SOLANKI : Is the Honourable Minister for Education aware of the fact that the seat was specially kept for one of the untouchable classes, and that the untouchable member has been displaced by a member of the Mochi class ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer given is that no nomination to represent the untouchable classes on the school board was made.

Dr. P. G. SOLANKI : May I know why the honourable member from the untouchable class was displaced by a mochi member of the touchable class, and was nominated in the place reserved for depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I require notice of that question.

WORKING MEN'S HOSTEL, BOMBAY

Major W. ELLIS JONES on behalf of Mr. J. P. THORNBUR : Will Government be pleased to state whether they are aware—

(a) that since the Salvation Army at Bombay have taken over the management of the working men's hostel run in connection with the Government Workhouse they will not take in Anglo-Indians, if they are dark men ;

(b) that Anglo-Indians even if sent by a Magistrate, are accepted only if they are fair enough to pass for Europeans ;

(c) that the attitude adopted by the Salvation Army towards the Anglo-Indians in general leaves no place of last resource for them to go to and therefore their only alternative is to live in the streets during the monsoon, which practically means death to the stranded Anglo Indians ?

The Honourable Mr. J. L. RIEU : (a), (b) and (c) The Salvation Army has no control over the admissions to the Working Men's Hostel. It cannot admit any person to the hostel who is not sent there by a Magistrate and it cannot refuse to admit any person who is sent there by a Magistrate.

## WORKING MEN'S HOSTEL, BOMBAY

Major W. ELLIS JONES on behalf of Mr. J. P. THORNBUR : Will Government be pleased to state—

(a) whether the Government Workhouse now run by the Salvation Army is maintained from the public funds ;

(b) whether in view of Government having declared their policy of eliminating all racial distinctions in Government institutions, they propose to take steps to throw open the Government Working Men's Hostel, Bombay, to all Anglo-Indians without reference to colour ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) The Honourable Member is referred to the answer given to his first question.

The Honourable Sir CHUNILAL MEHTA : May I now, Sir, inform the House of the order in which we propose to take Government business ? Sir, it does not appear that the arrangement made by His Excellency to allow more time for private business if Government business were finished earlier is likely to be taken advantage of by the House.

On the contrary, it appears as if Government business is not likely to be finished within the time we anticipated. You will recollect that I stated that we hoped that the Council would finish by the 18th of this month and that five days have been allotted for private business. We propose that after the conclusion of the debate on the bill that is under consideration at present which I hope will be finished at the latest by this evening we will take supplementary grants to-morrow. It is likely that these supplementary demands will take the whole of to-morrow and probably some portion of the next day. After that we propose to take the District Police Bill and then the Port Trust Bill. After that the Mahul Creek Bill and the Children's Act Amendment Bill, and after that the Primary Education Bill and then the business in the order in which it is printed on the agenda. If, Sir, it is found that Government business cannot be completed during the next three days including to-day which are the only days now available, then I trust it will suit the convenience of the Council if we sit half an hour earlier every day in order to make up some of the time that has already been taken away from Government business owing to our sitting earlier on Wednesday and the two Saturdays. I trust that this will suit the convenience of the House and that the House will be in a position to finish the Government business and that the additional time may not be required.

*(Further consideration of Bill No. XVI of 1927,  
Small Holdings Bill, Resumed)*

The Honourable the PRESIDENT : Bill No. XVI of 1927. Rao Bahadur B. R. Naik.

Rao Bahadur B. R. NAIK (Surat District) : Sir, on Saturday I gave the figures of average holdings per head of the population for all the districts in the Presidency proper separately. I also gave figures of the holdings below 5 acres of several talukas in the district of Surat, viz., Chorasi, Bardoli and Jalalpor which represent 63 to 70 per cent. of the total



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holdings. I also gave the figures of holding in the talukas of Mehmedabad and Matar in the district of Kaira where holders below 5 acres represent 75 per cent. of the total holdings. I also gave the figures for the Daskroi taluka of the Ahmedabad District which represents 66 per cent. of the total holdings so far as holders below 5 acres are concerned. I now come to the district of Satara. According to one calculation holders below 5 acres of land represent 61 per cent. of the total holdings and according to another calculation it is 48 per cent. In the district of Poona 46·6 per cent. of the total holdings is below 5 acres, Nasik, East Khandesh and Ahmednagar have got 33 to 35 per cent. holders below 5 acres. I have got the figures for the various other talukas of the Presidency, but I do not want to waste the time of the House by quoting them. These figures show the extent of the small holdings in the presidency. My object in giving these figures is to impress upon the mind of the honourable the mover of this bill who is considerate and careful in a measure of this importance, that if you are going to carry out this ideal or the object which is sought to be achieved by the introduction of this bill, namely to create plots of land for profitable cultivation, I say you cannot do it without throwing out 30 to 40 per cent. of the present holders. Sir, I admit that small holdings are an evil, but in trying to remedy this evil we should not create a greater evil and a danger, namely the throwing out of a number of the population of the presidency and causing greater unemployment and which will be burden to the country. This bill would have been very much welcome to this House had Government launched a complementary scheme simultaneously to provide means of livelihood for those who are likely to be thrown out of employment. Government may have waste lands where the bill may be applied if not to colonise such persons where there is such land available. But Government have not done anything of the kind. In several parts of the presidency, if this bill comes into operation a great many people will be thrown out of their avocations and the integrity of the village unit will disappear. It may be argued that 60 or 75 per cent. of the agricultural population all over the presidency are half starved at present and why should not Government make some of them starve fully so that the remainder may be well fed? It may be very logical and it may be very good for an essayist on economics. But so far as human nature and the condition of existing things are concerned it is not a practical argument, and especially no Government can take advantage or act upon such a logic.

Now it has been said by the honourable mover of this bill that a measure of this nature is in existence in the Baroda territory. There the law is of a permissive nature and so nothing has been achieved. Everyone who knows Baroda territory knows that there is very little difference between the agriculturists there and the agriculturists in other parts of Gujarat. Both the territories are intermixed and the characteristic of the agriculturists of the Baroda territory is in every respect the same as that of the agriculturists of other parts of Gujarat. The fertility of the soil is the same but the percentage of holding is much

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larger than in other parts of Gujarat. According to our calculation the average holding per holder is 27 bighas, i.e., 19 acres ; according to another calculation the average holding is 20 bighas, i.e., 13 acres ; while in Gujarat it is 8 acres. There is great difference in holding even though the nature of the soil is the same. The industry and intelligence of the people is the same yet you will find that there is great difference between the holdings in Baroda and the holdings in British territory, and yet this permissive legislation in Baroda has not achieved its object.

Mr. F. G. H. ANDERSON : May I know if the honourable member has ascertained whether these figures in Baroda are compiled upon anything like the same basis as our statistics ?

Rao Bahadur B. R. NAIK : I do not know how the compilation has been made. I am not aware of that, but I am quoting the same authority which has been quoted by the honourable the mover of the bill.

I do not want to waste the time of the House. But the cause of the excessive fragmentations and sub-divisions of land is the law of inheritance of the Hindus and the Muhammadans and added to this is the instinct of individualism which has been imported from the west. The honourable mover of this bill himself knows very well that a generation ago several members of our family used to live jointly in India, cultivate the soil jointly and enjoy the proceeds jointly and this kind of individualism has been imbibed from the west where everybody is for himself and perhaps his wife.

Now one thing must not be forgotten that in India agriculture is not an industry but a field for labour just as textile mills and other factories are fields for labour and majority do not produce for market but for self-sustenance. These small holders, Sir, cultivate their own lands. They take on lease from others some land, and try to make both ends meet in this way. Therefore, I say that there is no separate organisation for capital and labour. The men who supply capital also supply labour. Agriculture here in this country is not in the form of industry. It will be many years, Sir, before the agriculturists of this country will be ready to take up new implements, labour saving machinery, for improving agriculture, because as you know, Sir,—I know that, Sir, myself—that at present the agriculturists have not got sufficient to do. After tilling their land they have to sit idle, because you know very well that they have not got sufficient work to do as they had in old days. Now, it has been said by some of my honourable friends that this fragmentation of lands is one of the principal causes of the poverty and misery of the agriculturists in this country. It is not, of course, the principal cause. You know the real cause is the dying out of the indigenous industries and the handicrafts of the villages ; those industries by which the agriculturists supplemented their income in the old days have now died out, and the agriculturists have now nothing to do but they have to solely depend upon agriculture and those who depended on such handicrafts had to fall on agriculture for their maintenance. This is one of the causes of the

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present miserable condition, and there are other important causes also. It has been totally omitted to be mentioned by the Leader of the House, and I would at once explain to the Honourable the Settlement Commissioner that there are two factors which are responsible for the present conditions, namely, the chronic indebtedness, and the high rate of assessment which they have to pay. If 50 per cent. of the labour of the agriculturists has to be paid by way of assessment, how can you expect any improvement in the condition of agriculture at all and how can you expect any profitable cultivation? I assert that you will never be able to make anything out of agriculture in these circumstances. Then, there is the high indebtedness. Everybody knows that the country is highly indebted, and the agriculturists have got no money to improve the land, to improve the cultivation as it ought to be done.

Now, Sir, even by consolidation, I am not one of those who believe that the condition of the agriculturists would improve. Suppose I own a piece of 10 acres and another 10 acres is added by the process of consolidation, I would have to pay for those 10 acres which are added. Or, say, I own 2 acres and I will have another 2 acres added. So 4 acres will be a plot for me. But I have to pay for that extra 2 acres. No doubt Government will give tagavi, but tagavi is not a free grant. I have to return the tagavi to Government after some years by instalments with interest. Now, I think that Government know very well,—but they will not admit it,—that the agriculturist is never able to pay his debt. I am talking as a practical man, Sir, not as a theorist. If the agriculturist had been able to repay his debt, why has such a heavy debt been accumulating? By tilling those 4 acres he will not be able to achieve much; he may perhaps be able to make both ends meet, if at all. But eventually the two acres which he owned previously *plus* the two acres which he added both will go in the hands of the sowkar and the man whose holding will be expropriated will spend away the compensation value and he will turn himself into a landless labourer.

Now, Sir, one word more and I have done. Instances have been given by the Honourable the Leader of the House of Denmark, Germany, England and Sweden. I forgot all the names. I think there can be no comparison between the conditions of India and those of western countries. One thing is quite obvious that the percentage of population there is not the same as in India. Moreover, in western countries they have got a smaller number of population who depend upon agriculture. In England one-tenth only depend upon agriculture, and the rest depend upon other industries. Moreover, if the country is not able to meet the surplus population, the population will be packed off to their dependencies like those of Africa, Australia, and so forth. In Germany also the conditions are different. You have to take into consideration the habits of the people, the customs of the people, the area of the plots, the population, etc. You cannot compare, it is not possible to compare, the conditions of the European countries which are independent countries with the conditions of India. I am very anxious to speak in admiration of conditions in Denmark. The condition of agriculture has been greatly

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improved there. But it is not due so much to the stopping of small holdings, but it is more the fruit of co-operation in the country. Every activity is being carried out in Denmark through that agency. To that is due the country's prosperity. But what was done there? There, the large pieces of farms were split up and converted into family holdings with State-aid. Here, you are not going to split up large pieces and create new holdings. Here, you are simply restricting the minute sub-divisions without touching the large holdings.

Now, in case the first reading of this bill is passed and if it goes to the select committee, I am very glad to hear the assurance of the honourable mover of the bill that he is prepared to consider and accept any suggestions that may be made with regard to the various clauses either ending or mending them. That is some consolation, but, if the bill goes to the select committee, I would say that most of the clauses will require to be most carefully considered. I was told the other day that by a scheme of consolidation nobody will lose his holding. Now, I would invite attention to clause 31, and you will see that under it the Collector has to fix the minimum unit of holding under the consolidation scheme, and unless that is removed or taken out, the Collector has got the power to fix the unit or minimum limit for the consolidation. But, as I have said, we have got the assurance of the mover of this bill that he will go into this matter and he will be prepared to consider any suggestion of honourable members in the select committee. Then, Sir, I would call attention to clause 4, under which members of local boards are to be selected, but I suggest that they should be elected by the boards on the committee. As regards holders of land below standard unit they have to go through so many formalities before it is possible for them to dispose of the land. They have to give one month's notice to the mamlatdar and he gives a further month's notice to the neighbouring holders. Now, if a man wants to dispose of a small holding and immediately he wants money, let there be a process, say, 15 days' notice. The man who has got a holding below a standard unit can give a registered notice to the neighbouring holders and in 15 days if no reply comes, he can deal with the land in any other way.

I would further invite attention to clause 15 of the bill, under which if I am a holder of a contiguous plot which is less than the standard unit, I can force the holder to yield to my demand for that plot because I happen to be the holder of a contiguous plot. This side of the question needs to be looked into more carefully and should have the same facility as is given in clause 11 of the bill.

Clauses 16, 17, 18 and 19 have already been mentioned by my honourable friend Mr. Munshi on Saturday and seem to be most objectionable and require deletion or should be revised on the lines of the clauses dealing with the existing fragments. As long as the law of inheritance is there, as long as you do not devise a perfect scheme, you cannot drive out these people and you cannot say to them "you cannot cultivate the land and therefore you must hand the plot over to your neighbours or keep fallow."

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As regards Part II—Consolidation of Holdings—I think it is more theoretical than practical. I know it is going to be a dead letter. We have been told that this will be a permissive measure and that unless and until 66 per cent. of the holders agree, the scheme will not be put into operation. Almost all the clauses are objectionable and I hope the select committee will go into them most carefully. I request the Honourable the Leader of the House who has moved this bill to pay his special attention to clauses 31 and 53.

As regards Chapter II, clause 33, I do not see why the revenue patel should assist the consolidation officer as one of the members of the local committee as he will be under the control of the consolidation officer. Therefore an independent person should be selected to assist the consolidation officer.

Mr. F. G. H. ANDERSON: On a point of order, Sir. Almost all sides of the House are eagerly waiting to get through the business as quickly as possible, and I submit that the points which the honourable member is now bringing forward are not matters for the first reading but are points for the select committee to go into, as being points of detail.

The Honourable the PRESIDENT: There is no point of order there, but I think the honourable member is perfectly right in drawing the attention of the honourable members to the advisability of limiting their remarks as much as they can.

Rao Bahadur B. R. NAIK: Another thing, the consolidation officer will be sitting with the district judge while hearing the appeals fixing compensation against his decisions. The arbitration officer will also sit with the district judge and another will be appointed by the district judge to sit with him to decide the amount of compensation and other matters in appeal. I think the man who decides first the compensation, etc., should not again sit on the appellate side. There must be some other independent and impartial gentleman with the district judge.

Clauses 50, 51 and other clauses seem also to be objectionable. I hope the honourable mover of this bill will see that all these clauses receive full consideration in the select committee.

I was very much impressed by the admission of the Honourable the Leader of the House on Saturday that the agriculturists are getting poorer and poorer and that they are getting more and more miserable, and further that unprofitable cultivation is not giving any return to them. In spite of this admission I note with considerable regret that when the matter of revision of assessments comes before Government the settlement officers are always found reporting that a particular taluka is the most prosperous taluka and so on. Only three months ago I noticed that in the case of the Chorasi taluka the average acreage of land is 90 per head and an average holding of 5.81 acre per holder. This taluka has 70 per cent. of holdings which are below five acres and even this taluka has been described as the most prosperous taluka and such a report, it is strange to say, received the assent of the Cabinet. I wish to tell the House that

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there is a certain fear in the minds of many honourable members—although it may be imaginary—that when the consolidation scheme comes into force, thousands will be thrown out of work and as they will have no other occupation to go to, they will go to the land-owners, pay usurious or fictitious rents and take the land on lease which will be entered in the record of rights and which will perhaps be taken advantage of by Government for further enhancing the land revenue. This aspect of the question should also receive the most sympathetic attention of the select committee. It is true, Sir, that if the Honourable the Leader of the House were to be a permanent member of the Cabinet there would be perhaps no grounds for any fear of this kind, but I know that he is not going to be there permanently.

The Honourable Sir CHUNILAL MEHTA : Oh, no. I do not expect to be a member of the Cabinet permanently.

Rao Bahadur B. R. NAIK : Honourable members will have noticed that I am not in favour of this bill ; as for the second part of this bill, I have no charm at all, but after receiving an assurance from the Honourable the Leader of the House, that he is willing to meet the wishes of the honourable members opposite by mending or ending objectionable clauses of the bill I keep my mind open on the subject till the report of the select committee.

The Honourable the PRESIDENT : I think that after what the Honourable the Leader of the House has said that there is such a congestion of business, I would specially request honourable members to make brief speeches, although I admit that the question before the House is of such a wide nature that if honourable members are inclined, with matter in their hands, they can speak for hours, but our time would not permit that.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, I would not have ventured to further tire the House with any speech of mine but for the importance of the subject matter of the bill. I shall divide the subject matter into four classes. First is the economic problem ; secondly, the bill as it affects, if at all it affects, the general law of property and the Hindu law of inheritance ; thirdly, the first part of the bill which deals with fragmentation, and fourthly, the one which deals with consolidation, and lastly, the consequences which have been apprehended by many honourable members if consolidation is resorted to.

At the outset it must be observed that the bill before the House will be handed down to posterity as an important land-mark in the progress of agriculture. India is principally an agricultural country and the agricultural industry supports nearly 70 per cent. of its population. Agriculture is either a primary or a secondary occupation of nearly 224 millions of India's population. The agricultural problem has a three-fold aspect, the scientific, the economic and the administrative. It will be observed that the administrative problem has been attended to from the earliest times and various laws relate to the survey and

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collection of revenue, and several other matters regarding land records have received the attention of Government from earliest times, but so far as the other two aspects are concerned, I think very little progress has been made, and therefore it is really a matter of satisfaction that the introduction of this legislation is in accordance with the enquiry which has been set on foot by the appointment of the Royal Commission. The scientific aspect, which is calculated to devise means by which agricultural methods may be improved by the use of modern implements and good seed was, I must say, due not so much to a desire to improve the condition of agriculture but it seems to me that it was due to the distress that was wrought by successive famines. If we look to the history of the Agricultural Department, we shall see that it was the Famine Commission of 1880 which opened the eyes of Government that something is necessary to be done for the improvement of the lot of the agriculturist. Then came the institution of the Agricultural Institute, as well as a few schools and colleges of agriculture. But, after all, so far as the economic part of the thing was concerned, it seems to me no attempt was ever made to improve it, and it is for this reason that this legislation, which aims at improving the economic condition of the agriculturist, should be welcome, as there is no doubt that the evils dealt with in this bill have contributed to bring about the ruin and poverty of the agriculturist.

Now, so far as regards the provisions as they relate to the first part of the bill, that is to say the part dealing with fragmentation, I would suggest that instead of putting the Act into force at once in the whole of the Presidency, Government should consider whether it will not be possible to devise some means by which the Act may be made applicable to certain districts which are well prepared for the application of the bill by reason of the conditions there. The conditions in all the districts of the Bombay Presidency may not be such as to justify the application of the whole Act to them at once. In fact, it would have been better if Government had provided for proceeding gradually by way of experiment in certain districts of the presidency, so as to prepare the ground. Just as in the case of consolidation the matter is left to be decided by a notification, I think it might be so arranged that with regard to fragmentation at first certain districts should be brought under the operation of the Act, and then the Act should be extended to other parts.

Then, Sir, coming to the section dealing with the appointment of committees, in this matter of appointment of committees a great deal has been said and objections have been raised. I think the mamlatdar, for instance, should be made the secretary of this committee. The Collector is made the chairman, and if the committee is to work, the mamlatdar being a public servant, the non-official members of the committee should be enabled to utilise his services. The initiation and the work of preparing the materials for the committee's recommendations must be undertaken by Government Agency. And this brings me to the question of the Revenue Department being a reserved subject. Really speaking, Agriculture, Forests, Revenue, Irrigation and Co-operative

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Societies are allied subjects, and really speaking, all these subjects should be in charge of one member who can consider the whole matter himself, without having to refer to another department, and I hope that, with the advent of the Royal Commission, when we are hoping.....

The Honourable the PRESIDENT : I think that is a digression.

Rao Bahadur R. R. KALE : I am only pointing out the difficulty in working out this provision. I think that, if these committees that are to be formed for doing the work of investigation and determining and fixing the standard of units are to be a success, then the servants of the Revenue Department must be responsible to a Minister in charge of the Department. Unless that is so, I am afraid that the measure is not likely to be efficiently worked or worked on popular lines. These are my reasons for submitting, by way of a little digression, that in order to ensure a satisfactory working of the Act it will be necessary to have the present organisation rearranged. We might have a Development Department for the Presidency. No doubt "Bombay Development" has come into bad odour, but with regard to the mofussil, on questions relating to consolidation and fragmentation, there ought to be a department for the whole presidency, organised with a view to carry out the provisions of the bill, because it is feared, and rightly feared, that, in spite of the Act, there will be little progress made in fulfilling the objects of the Act.

Then, Sir, there is one other important matter with regard to fragmentation. I refer to the provision about the Commissioner being the final authority. It seems to me that a recommendation should be made to the Commissioner, and, in case of a difference of opinion, the matter must be referred to Government. In the bill, there is no other remedy provided for in case of a difference of opinion, the Commissioner being made the final authority. That is not satisfactory.

Now, with regard to the leasing of a fragmented holding, the provision in the bill requires careful attention. There is such provision for sales, viz., the right of preemption, and the person who wishes to lease his holding should be given the right to say that the rental should be fixed by having regard to the special circumstances that prevail in the locality and only if the neighbouring lessee is willing to take the land on lease at the same rental which another person is prepared to pay, should he be given the right to insist upon the land being leased to him. So, the clause about leases will have to be altered.

I also find that there is no provision with regard to private partitions. The partitions contemplated by the bill are partitions to be made by the Collector, which occasion arises only if there is a partition suit and a decree is made by the civil court. My submission is that in the case of private partitions, it should be laid down that private partitions should be effected in the same manner as partitions effected by the Collector, and if private partitions are so made that they contravene the provisions of this Act, then they should be declared as void and contrary to public policy. They should not be recognised, and punishment may be necessary



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in order to enforce this partition. However, that is a matter which I leave to the select committee.

Then I come to consolidation, and here I have to make certain suggestions for the consideration of the House. The part of the bill dealing with consolidation has been objected to on various grounds. My submission is that at first there should be a consolidation, not of the holdings, but of cultivation; then there should be a consolidation of fragments, and lastly should come the consolidation of holdings. What I mean is that, instead of putting an end to the rights of proprietorship of several persons who hold land in the village they may be neighbouring lands or lands spread over the whole village—they should be asked to be associates or tenants in common, so that the lands could be jointly cultivated. Supposing there are 4 people holding land, and they are put together for joint cultivation, each man having a certain share of the land, the right of ownership should be allowed to be there, and the cultivation may be done by arrangement among themselves, and the profit at the end may be distributed among the sharers according to their share. We know, Sir, that not only in this country but in all countries the peasant is attached to his holding, and the fears with regard to the bill entertained in this House and outside are more or less based on this apprehension that if they are asked to give up their ownership of land, there is an end of the whole thing. They will certainly be unwilling to do it. No doubt it is uneconomic and unprofitable, but at the same time they have a right for their little interest in land. I submit, therefore, that we must begin with the consolidation of cultivation rather than with the consolidation of lands, that is to say, there should be tenants in common and after some-time consolidation of families. If a man has got lands scattered over a whole village he must be given land in one place in exchange for those pieces of lands. Lastly when people are prepared we must proceed with the consolidation of holdings—the lands belonging to several persons, if they fall below the unit, they must be sold and purchased by another and thereby the holdings should be consolidated. If we proceed in this way I think the measure will be more popular and will not evoke any opposition as it at presents seems to do.

Then there are certain provisions in this bill which might affect the hereditary rights of the agriculturists—the mirasi rights. They are to be found in clauses 71 and 72. If the lands are acquired under the Land Acquisition Act by Government for the purpose of this Act it will naturally be thought by agriculturists as an encroachment upon their hereditary rights. The agriculturists would think that those lands will be given to another man on a different tenure. This misunderstanding that is likely to be created ought to be removed by the addition of an explanation that nothing contained in this section shall affect the hereditary or the immutable rights of the holders. A provision like this should be added by way of explanation.

The Honourable Sir CHUNILAL MEHTA : I would like to explain that there is no desire on the part of Government whatsoever to change the nature of the rights which the landholders now possess,

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I shall be very glad to make any changes in the bill in order to make that point clear if necessary.

Rao Bahadur R. R. KALE : I am much obliged to the Honourable the Leader of the House : all I say is that some provision must be embodied in the bill to make that point clear.

I now come to the objection raised on the score of unemployment. I submit as a matter of fact the effect of this bill will be to make the conditions of the agriculturists better. At present an agriculturist who has got a family of five persons to maintain and who has got only half an acre will not be able to derive the fullest profit from the land as he cannot afford to spend much on the improvement of the land. He practically becomes a pauper and must part with his holding. To add to this state of things under the law of partition, which has now come to stay, division goes on without being arrested. If, however, that is an economic holding which is to be made profitable and if the agriculturist will devote his time and labour to his holding in a proper manner and if the holding is sufficient to maintain his family, he will not leave the land. Suppose a man has got a holding which is not profitable. He will find employment in the village. If he is not able to find employment he will go, for instance, to Bombay, earn much more and come back to the village. His interest in his holding will not be lost. In that way we need not fear any unemployment to the villagers.

Now, I want to deal with the question of law. I quite agree that the Hindu law of inheritance is not in any way affected by the provisions of this bill. But there are one or two points which I should like to bring to the notice of this honourable House. The son has a right to the property by birth. A widow has only life interest in the property ; and there will be reversioners whose right will come into being after her death. In the matter of compensation proceedings we shall have to consider not only the person who is the present holder but his sharers, meaning his sons who have a right by birth. If there is a widow who enjoys the land for life she will receive her compensation ; but we shall have to enquire whether there are any reversioners and if there are any that too ought to be taken into consideration before the proceeds of the sale are distributed among the widow and her reversioners. These are no doubt small matters for which provision can be made. There are these difficulties which really do not go to the root of the bill. The Hindu law of succession as it originally existed was that it was a joint family property. This was really to the benefit of the family so long as it was a joint one. The man or woman of the joint family devoted his or her time and labour to the holding and it was properly taken care of. Now, a different state of things has come into existence. We will now by this measure be going back to the old tradition of the joint family. In doing so we must remember that it might make it only a tenancy in common and not a joint tenancy. There will be joint cultivation but the rights should be separately enjoyed. In this way I submit this object may be achieved. With regard to consolidation it is nothing but a revival of the old village community. Just as the joint

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family was the unit so also the village community was sometimes the unit. The land was distributed among the families so that the needs and welfare of the village were taken care of and the lands were cultivated and the yield was distributed among the families of the village. This was no doubt in ancient times. If the benefits of the bill which will have the effect of consolidation of holdings and prevention of fragmentation are explained to the people I think there will be no objection to this measure on their part.

One word about the analogy of foreign countries. If we look to Norway where the agricultural holdings are small the law I think is to make the holdings profitable as it is intended to be made by this measure. If half an acre is found to be a profitable holding with which a person will be able to maintain his family he should be allowed to hold it. That is the case, as I find, with regard to the agriculturists in Norway, and it seems to me that if there is any surplus population the question raised by my honourable friend Rao Bahadur Naik with regard to colonisation will have to be considered. That will really be outside the scope of this bill, but Government will have to consider that question also in case it arises. Now that there will be the Sukkur Barrage and large tracts of land will come under cultivation, there may be a number of people willing to go there.

I hope that the suggestions I have made and the difficulties I have pointed out will be considered by the select committee. I support the measure.

Mr. B. V. JADHAV (Satara District) : Sir, I have to offer my sincere congratulations to the Leader of the House, the Honourable Sir Chunilal Mehta. I know that he has been devoting the last five years to the study of this question, and the bill which he has brought forward is a consistent whole. I am very sorry to say, Sir, that I am not quite certain whether it will cure the disease which its honourable framer intends to attack. I have grave misgivings, because the conditions in India are so different from the conditions of Norway and other European countries, that I think the remedy that was found efficacious there may not be found to be equally effective here, but on the contrary may do a deal of harm. I know that there is an amount of organised opposition to this measure, but the honourable mover has taken courage and come forward to place it before this Council. We all recognise his sympathy for the cultivator and his sincere anxiety for their uplift. There is no doubt about his good intentions, and I offer my sincere thanks to him for all that he has done and all that he intends to do. We know that ever since he took upon himself to work the Reforms in 1921 and accepted the portfolio of Agriculture and Excise, his one aim has been to do some good to the public, to ameliorate the condition of the masses, and as far as possible to eradicate the vices and the cankers that were eating into their vitals. We know his excise policy. It has been continued up to this time, and I shall not be far wrong if I say that it is bearing its fruit, and I hope that that policy will be continued and this Presidency, at all events, will one day go dry.

The Honourable the PRESIDENT : This is all very complimentary to the Leader of the House, but will the honourable member come to the subject ?

Mr. B. V. JADHAV : He has done, Sir, much for the spread of co-operation, and I think in this bill he has been very keen to make use of the co-operative movement. He has done much to develop the forests and the fisheries which are likely to supply very good and cheap manure for our agriculture.

Khan Saheb A. M. MANSURI : Sir, I rise to a point of order.

Mr. B. V. JADHAV : I am not going to yield.

The Honourable the PRESIDENT : If there is a point of order, the honourable member will have to yield.

Khan Saheb A. M. MANSURI : Sir, is the honourable member in order in not referring to the bill and beating about the bush ?

The Honourable the PRESIDENT : The honourable member will not be in order if he discourses on subjects which are not under discussion. There is a specific matter before the House, and that is the motion for the first reading of this particular bill.

Mr. B. V. JADHAV : Sir, I bow to your ruling, but I have to point out that there is a good deal of misunderstanding and mistrust about this bill, and I want to show the consistent way in which the honourable member has all along been pursuing his policy in the interest of the ryots. I am going to call upon his opponents not to judge him with mistrust, but to consider his conduct as a whole, what he has done and what he is doing at present for the amelioration of the condition of the agriculturists. But, Sir, I will not take much of the time of the House. As Revenue Member he has left his mark by his famine policy. He has been continuing on the same lines, and now he has brought forward this fragmentation bill.

Everybody in this House, Sir, is agreed that the ryot is poverty-stricken. I am very sorry to say that his poverty is on the increase and not on the decrease. I may point out that the poverty of the ryot results in the general poverty of the whole country, as trade and industry cannot thrive owing to the low purchasing power of the agriculturists. So, in order to improve the condition of the country as a whole, it is necessary that the ryot or the cultivator should be made prosperous also. The causes of this poverty are many, but the chief one is want of education. I am not going to take any time of the House dilating on this subject, but I only say that I place this one cause in the forefront of my argument.

Mr. G. I. PATEL : Sir, I rise to a point of order. Is the honourable member in order in digressing from the subject so often before the House ?

The Honourable the PRESIDENT : The honourable member is not digressing now. I wish these small points of order were not raised.

Mr. G. I. PATEL : What have we to do with all these ?

Mr. B. V. JADHAV : I am sorry to say that the honourable member for the Ahmedabad Millowners' Association is showing, what shall I say.....

The Honourable the PRESIDENT : Will the honourable member proceed and say nothing in that direction ?

Mr. B. V. JADHAV : Sir, if the honourable member will persist in raising such points of order, I shall have to give a piece of my mind.

Another cause of the rayat's poverty, Sir, is his extravagant expenditure on observances of social and religious ceremonies. I am not going to describe these also, but I merely mention them, and honourable members will do well to show me some patience. The third cause is, I think, the lack of subsidiary industries. The honourable member for Surat district has pointed out, Sir, that there are no subsidiary industries nowadays by which the agriculturist can supplement his scanty resources, and that that is materially affecting his prosperity. Then, there is very heavy pressure on the land, as all industries have declined and the artisan classes have been forced to take to agriculture, and consequently there is impoverishment all round.

This has resulted in fragmentation. Each one has got a small piece of land to cultivate. In England only 9 per cent. of the population is engaged in agricultural pursuits and therefore they have got big farms which are economic and the farmers and their families live in comfort and happiness. But in India nearly 70 to 80 per cent. of the population is engaged in agriculture and it is therefore no wonder that agriculture is not remunerative. An average farmer has not got sufficient land to cultivate, and therefore it does not engage his whole time. Cultivation cannot therefore be undertaken in the proper way and consequently the produce is decreasing. This has resulted in the fall of wages and an increase in poverty.

Another cause, Sir, which the honourable mover of this bill has given as the principal cause is the fragmentation of holdings and according to him if this cause is removed the condition of the ryot would improve. I am sorry I do not agree with him, but I admit that this is one of the causes of the poverty of the rayat. In the case of fragmentation Bombay is not so bad as other provinces as will be evident from the following figures. A cultivator or a farmer has on an average in Bombay 12·15 acres, while in the Punjab he has 9·18. In Central Provinces and Berar it is 8·48, Bengal 3·09 and United Provinces 2·51. Of course in Bengal there is a good deal of rice lands and the rice lands being very productive can support a very large population and consequently the average acreage there is lower. So also in the United Provinces which I think has rich well irrigated lands and the farmers there can do with small bits. There are 308 persons in the Bombay Presidency per square mile and in certain of the divisions there is heavy pressure upon land. In Konkan there are 509 persons to a square mile, while in Gujarat the average comes to 357. Karnatak has 263 persons to a square mile, Deccan 186 and Sind 124.

If we take the various districts in the presidency the district of Kanara which the honourable mover pointed out was very much afflicted by

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fragmentation, maintains a population of 1,200 persons per square mile. In Kaira the number is 581. Bijapur which is always famine stricken has 186 persons to a square mile. Even in one district the population varies from taluka to taluka. In the taluka of Mawal in the Poona district the population per square mile is 319 while in Dhond it is 189. I have quoted these figures to show that even within the same district conditions differ so much that a great deal of care will have to be taken in determining the unit of profitable cultivation, or the standard unit as it is called. Because conditions vary from place to place one unit which will do for a certain place will not do for another.

Sir, there are two parts to this bill. The first part is intended to stop further fragmentation and the second is consolidation or re-stripping. I am in favour of the second, that is re-stripping of land or consolidation. It has been found that whenever brothers divide the fields among themselves, they divide each and every field or plot into as many pieces as there are sharers. In this way every brother comes to possess three or four pieces of land in different parts of the village. Sometimes this is inevitable but oftentimes it can be avoided, and a compact piece might be allotted to each brother. So I think that if a law is passed to consolidate or encourage consolidation of holding it will be a very good thing and this problem I suggest should be tackled first. The fragmentation of holdings has got a bad effect upon the economy of the village. One evil is that the cultivator does not get sufficient work all the year round and the remuneration that he gets from his labour in the fields is very insignificant. As he has not got sufficient work he has to work for others in the village or in a neighbouring town to supplement his income from land. This results in inferior cultivation because he cannot devote proper attention to the tilling of the soil and cannot take advantage of the right seasons.

There is a very great rise in the indebtedness also. From the enquiries that have been made by Dr. Mann and others it is found that the ryot is losing the ownership of land very rapidly and the time is not far distant when the majority of the land will be taken away from his hands and will go into the hands of those whose interest in it is to get as much rent as they can and who can well be described as absentee landlords. The extent to which the rack-renting system goes on will be evident from the fact that the rent exacted from the ryots ranges oftentimes between two and six times of the assessment and sometimes even higher.

This question of preserving economic holdings has been engaging the attention of our legislators from a very ancient time. People in the olden times had recognised that it was necessary to preserve the size and therefore keep down number of farms in a locality. They have in one instance at least succeeded in preventing any increase or decrease in both the size of the farms and the number of occupants. This has resulted in keeping the population stationary.

The development of society has been in consequence arrested and therefore it is not a desirable system and one would not recommend it

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for other places. There is, Sir, a valley in the Punjab where the system is practised up to the present day. In that valley the number of inhabitants is almost stationary. The number of holdings remains the same and the size of the farm has not increased or decreased for centuries. It may be called a happy land. But those conditions cannot be repeated in any other place, and the system is quite unsuited to modern civilization. The other instance of an ancient system, Sir, is the *biradari* tenure of the Punjab and the U. P. Under that tenure the land of the village was distributed periodically among the cultivating families, and in that way the farms were kept within reasonable bounds and each family got sufficient to cultivate ; with the result that the village community thrived and prospered. If the number of members in a family decreased, then of course, so much land was not required for them and it was given to those families in which the number of members had increased. The third system, Sir, is the South Indian system, under the matriarchal law. There, the extent of the *tarwad* is kept the same as no divisions are allowed. But the consideration of these instances will be of no use in this Presidency as these systems are quite unsuited to the genius of our people and out of keeping with their traditions.

I may at this stage, Sir, raise a question which has only an academic importance : whether the ryot is the owner of the land or is a mere tenant ; in other words whether the assessment he has to pay is rent or tax. I think this question has not been finally determined. But I want to point out, Sir, that as the bill is not going to apply to inam lands at all, it raises the presumption that according to the framer of the bill,—(Mr. B. G. Pahalajani : It will apply to inam lands)—I am under the impression that it does not apply to inam lands ; I am open to correction. If it does not apply to inam lands and only applies to rayatwari lands it raises the presumption that lands belong to the Sovereign and not to the ryot. (Interruption). You may think over it. . . . .

The Honourable the PRESIDENT : Order, order. Will the honourable member proceed ?

Mr. B. V. JADHAV : The honourable mover of the bill, Sir, assured the House that he wants to preserve the sturdy independent proprietor and cultivator as he is the backbone of the country. Everything I submit ought to be done for preserving the small proprietor in comfort and out of debt. That sturdy peasant, the peasant proprietor as he is called, helped to found the Maratha Empire, and his decline has been the decline of the country. "The magic of property can turn sand into gold," but that magic of property is slipping out of the hands of the peasant. His indebtedness is on the increase and all the efforts of the Government have been rather detrimental to his interests and they are helping the sowkar and not the ryot. Government sometimes have made laudable attempts for the amelioration of the ryots. They introduced restricted tenure under which the tenant was not at liberty to alienate his land. The representatives of the moneyed classes, Sir, at that time were in the Legislative Council and they strenuously opposed the measure with the consequence that since that time, nearly half of the land has slipped out

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of the hands of the cultivator. I think that attempt of restricting alienation should be tried again. According to the present ideas the ryot or the owner of the land has got full ownership and an unrestricted right of transfer is vested in him. This has indirectly led to his poverty and at the same time to heavy indebtedness. I would point out, Sir, that in zamindari villages in Bengal and the Malguzari villages in the C. P. and Berar the ryot or cultivator has got no right of proprietorship over the land he cultivates. His condition is not very prosperous, but at the same time it may be pointed out that his indebtedness to the sowkar is insignificant. As he has got no credit, because he owns no land, so the sowkar will not grant him any credit at all. The consequence is that the ryot has to do without incurring debts and, therefore, he is almost free from debt. The proprietary right over land has provided credit for the ryot and on account of his improvident habits he often goes to the sowkar, and that has led him into ruin. If he is to be saved against himself, this right of unrestricted alienation should be kept under check. Certain arguments were advanced in favour of the right of transfer. It is said that it is desirable that land should pass into hands of men with capital who will improve it permanently, will invest more capital in manure and other improvements of the soil, and therefore the produce will increase. They point out that if this is done, the ryot will get higher wages and consequently he will enjoy a higher standard of life. These are theories advanced to support the unrestricted right of transfer. But, what is the real experience, Sir? The sowkar rarely spends money in improvements. He simply cares for a return on his investment. The moneyed classes invest their money in the purchase or in the mortgage of land and do not care to see how it is cultivated. Many a time they do not even live in the villages and all the evils of absentee landlordism have to be suffered. Rackrenting is practised on an extensive scale. Consequently poverty is on the increase. The ryot is chronically indebted.

I shall here, Sir, read a paragraph from the report of the enquiry of the village of Jategaon carried on by Dr. Mann and Mr. Kanitkar :

"The total amount of indebtedness of the 147 men in the village in 1919 was Rs. 29,000 odd. Of this Rs. 16,700 was on landed security ; Rs. 11,495 was on personal security ; and Rs. 2,150 on the security of their houses."

In the case of those who had no land to pawn, even their houses or huts were mortgaged.

"The rates of interest vary from 12 to 75 per cent. and the majority of loans bear interest of 20 per cent. per annum. The debts on landed security amount to 53·7 per cent."

Then the story of a sowcar is given. He had no land, he was in debt. After his father's death he accompanied as a young man a number of villagers to Bombay where they went for work 30 or 40 years ago. While in Bombay he worked as a confectioner preparing sweetmeats and selling them to the labourers.

Mr. H. B. SHIVDASANI : Is this all in order, Sir ?

The Honourable the PRESIDENT : I understand that the honourable member is, I feel, speaking on the subject before the House but approaching the question from what I think very long routes. But I should,



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however, again bring to his mind that the House expects every honourable member who wishes to speak under those circumstances to address himself on the question before the House. I should like to draw a line between the very huge question of the causes of poverty of the agriculturists and this Bill before the House. Honourable members should either speak against it or support it briefly and if they speak against it, they should point out where they go against it and if they enter into the history of each subject having the slightest bearing on the Bill, every honourable member here, in his learned way, may go into all and various aspects of questions which affect the agriculturists of the Bombay Presidency : and in that case there will be no end to the discussion.

Mr. B. V. JADHAV : I am pointing out that when once the ryot gets into debt, he cannot get out, and as the Bill is enacting a provision of taking him into debt under takavi, etc., I shall have to point out that it will be very difficult for him to get out of that debt and ultimately he will have to lose the land. I am coming to that point ; but I find, Sir, that some of the members of this House, especially on my left and behind me, are rather impatient.

I shall point out that in the village of Roth out of 192 acres of cultivable land that once belonged to its inhabitants, as much as 111 acres are held at present by the absentee landlords. According to the village register, about 78 acres only are held by cultivating farmers. When one is told that out of these 78 acres as much as 64 acres or so have been already mortgaged, one need not be much of a prophet to predict that within a few years the whole village land will pass away from the hands of the villagers and all of them will be reduced to the position of mere tenants at will.

The process is going on everywhere in the Konkan as well as on the Ghats. I may suggest here that certain remedies are urgently needed to improve the condition of the ryot if this legislation is to be passed at the same time. The transfer of land should be restricted to the actual cultivators. Land should not be attached or sold in the execution of money decrees. In the Punjab and the United Provinces such legislation has been passed and is in force. In this Bill there is a clause that the neighbouring owner should get the right of pre-emption or should have the right of taking a strip of land, etc. I want to point out that the neighbouring cultivator, not a mere landlord, should enjoy the preferential right under the present legislation, because this legislation ought not to aim at advancing the interests of the absentee landlord.

As I said, Sir, I am in favour of consolidating holdings and re-striping. But here I shall point out that as in Japan all the expenses should be borne by Government and should not fall on the ryots.

There is a misapprehension among some of the honourable members that this Bill is in the interests of the monied classes, that Government intend to create very big holdings so that labour-saving machinery could be employed in cultivation and some people say that this Bill aims at encouraging the manufacturers of foreign countries. I do not share this view, but at the same time I wish to point out that in this Bill care should

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be taken that land does not accumulate in the hands of monied classes. I would point out the necessity of prescribing the maximum limit beyond which a man should not be allowed to hold land. The Bill has made provision for prescribing a standard unit that is a minimum unit, but I wish to point out it is equally necessary that extensive pieces of land should not be allowed to accumulate in the hands of individuals or in the hands of corporations and, therefore, a limit should be placed on the maximum holding also. I do not mean to say that those who are holding land at present above that maximum limit should be expropriated and their lands distributed among the ryots. But I would suggest that by law they should not be allowed to acquire more land. They may enjoy the lands they actually have. There is no question of distributing it among the ryots or among others. But I would point out that it is equally necessary that at the time of prescribing a minimum unit there should be a maximum limit to the holding and I suggest that for that purpose ten or fifteen times the standard minimum unit should be laid down as the maximum holding.

In a country like India where labour is cheap and abundant, the introduction of labour-saving machinery may do harm. Unemployment, fall in wages and fall in purchasing power will be the result and as a consequence other industries in the country will also suffer. It cannot be denied that fragmentation has gone on too far. But the ryots are so much attached to the pieces of land they own that they do not wish to give up their cultivation and if the standard unit is made of a reasonable size, the figures collected by the honourable mover of the Bill as well as by the honourable member from Surat go to show that a very large number of people will be debarred from cultivation and will be turned into labourers pure and simple. This will be a very great calamity. In other countries the surplus population is sent to the colonies. And colonisation should also be tried here. As Sind is very sparsely populated, it will be the duty of Government to take up the question to see whether the surplus population of Gujarat, the Deccan and the Konkan can be sent to till the waste lands in Sind.

As a consequence of this Bill the rents will go down, because the pieces will have to be rented to the neighbouring cultivators, and as their number will be very small, the law of demand and supply will operate and rents will fall. If rents fall, the prices of land will also fall, and that will cause a great loss to the owners of land.

The Honourable Sir CHUNILAL MEHTA : What about assessment ?

Mr. B. V. JADHAV : Government is not so very eager to reduce assessments. If they do, they will be doing but bare justice, but I am sure Government will not do that, and, in that case, the owner of a strip will not be able to get the real price, as the demand will be restricted.

I have to draw the attention of the House to a provision which has been made that, when a holding is partitioned among the brothers or among the sharers in future, care will be taken that each share will not fall below a standard unit. When the land is so small as cannot be divided into standard units the whole will have to be given to some or

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even to one of them, and the others will be given compensation in money for their shares. For this purpose, the fortunate brother who will be given the holding will be provided with the necessary funds by the grant of takavi. Some may be tempted to look upon him as a lucky fellow, as he will be left in possession and enjoyment of the ancestral property. But we have to take into consideration that he will have to bear the heavy burden of paying interest every year. We already know that the surplus profits from agriculture are not considerable, in the Deccan at all events. I am afraid, Sir, that that fortunate brother will not be able to liquidate his debt in the near future, and if there are one or two bad years, then he is utterly done for. He will have to surrender his ancestral land for the clearance of his debts. So, the two, or three, or four brothers of his who were deprived of their right in the land and were given money compensation will be landless men from the time of the partition. They will have frittered away their patrimony by this time, and this man who was left in possession of the whole land will not even have the consolation of getting the price of his share. He will lose not only his share but the shares of all his brothers that came to him, in consequence of the operation of this Act. So I think this Bill is likely to result in depriving the actual agriculturists of the ownership of land, and thus may cause more harm than good. When old fragments are purchased by neighbouring cultivators and new fragments are avoided by giving the price to the other sharers, the purchasers will have to be provided with funds as tagavi. And, as I have just explained, it will be very difficult for the agriculturist to repay the tagavi loan. The revenue authorities know that, whenever tagavi is given in the famine stricken districts, it is very difficult to recover the whole of it, and many a time the poor ryot has to sell away his patrimony in order to clear the debt of the tagavi which he received from Government. The process has been going on for a long time, and the process will continue, and in that way the poor agriculturist will be deprived of his ancestral land, and he will be expropriated, more rapidly in the course of the operation of this Act.

Now, I shall make a few observations about the clauses of the Bill. I think the term "cultivator" should be properly defined. The standard unit should be fixed very low, in order to cause as little disturbance as possible. The different plots in various survey numbers should be taken into consideration. As the Bill now stands the area of each plot is taken into consideration in determining whether it is a fragmented holding or not. What I say is that when an owner owns 3, or 4, or 5 or more plots in the same village, the area of all those plots should be taken into consideration when declaring whether his holding is fragmented or not; each separate piece or parcel of land should not at all be taken into consideration. The man may have an economic holding, the honourable member put it yesterday, but it may be scattered in various places. It is for the Government to consolidate all those pieces, and when that consolidation takes place it will be an economic holding. So, before that consolidation there is no justice in depriving the man

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of all his pieces of land, because, under the present Act, he will not be allowed to deal with all these pieces separately.

Then, Sir, in the Konkan for instance, the cultivation of rice lands requires also the possession of some acres of *warkas* land, and, therefore, both these must go together. In such a case, even in consolidation a man cannot be given only one kind of land, because the proper cultivation of rice land necessitates the possession of *warkas* land also, and both of them cannot always be found together. Above the ghats, especially on the river side, it is absolutely necessary for an agriculturist to possess at least a small strip in the *mali* or alluvial land. It supplies him with fodder for his cattle, and there are certain other amenities. If that man is deprived of that little strip of land as according to the definition of a fragmented holding it is an area below the standard unit, then his possession of a big piece of land somewhere else will not be to him of as much use or profit as it would be with that small strip of *mali* land. In the same way, in the villages there are some lands which are useful only for grazing cattle, and there are some lands which are useful only for cultivating bajri or jowari. All these things ought to be taken into consideration and the land divided accordingly. In the Punjab the conditions are quite different, and are not the same as those to be found in the Deccan.

In the Deccan the quality of land varies from place to place and sometimes the possession of three different grades of land may be necessary. The ideal of a compact unit, therefore, should not be insisted upon in every case, but changes should be made according to the necessities of the situation.

With regard to clause 12 the word 'neighbour' should be qualified by the word 'cultivating,' because a law should not be passed to favour an absentee landlord or capitalist. If the actual cultivator is benefitted there is some justification. If the law will operate to the detriment of the actual cultivator and will favour the moneyed classes or absentee landlords I would raise a strong protest against it.

In conclusion I urge upon Government to push on primary education and introduce agricultural and industrial bias in the curriculum to encourage thrift among the people, to eliminate absentee landlordism, and to enact tenancy laws defining rights of tenants. The absentee landlord should be compelled either to farm his lands himself or at least to reside in the village. More lands should be reclaimed by drainage, by adjustment of boundaries, and by exchange of broken parts, which this Bill calls consolidation, and by creating demand for more agricultural labour through irrigation. There should be restriction of transfer of land to non-agriculturists. Here I may point out that this demand is not a communal one. The man who cultivates his land is a cultivator, irrespective of the community to which he belongs. There is no question of caste or creed in this. The acreage of each holding should be restricted by a maximum limit. This will have the effect of not making them depend on others in cultivation of their land.

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I think that the second part of the bill, if it is properly administered and if the agriculturists are taught to appreciate the benefits of consolidation will do a lot of good. But I am very diffident about the success of the first part. I am led to believe that the first part, if insisted upon, will lead to great hardship and result in very serious expropriation. I have, therefore, to oppose the bill.

The Honourable the PRESIDENT: As there are many honourable members who wish to speak it is but necessary that they must limit their remarks. Honourable members know the limit of debate at the first reading.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to oppose the first reading of the bill. It is un-Christian. It is against the tenet of Christian religion. It is based on the un-Christian principle "to him who hath more shall be given, and from him who hath very little very little that he has got will be taken away from him." I wish first of all to illustrate the principle of the bill I have just enunciated. I shall refer the Honourable Member who has introduced the bill to clause 57:

"Alienated land shall always be separately demarcated and shall not be included in any consolidation scheme."

I wish also to refer to the following passage in the statement of objects and reasons:—

"The provisions of the bill will not apply to inam lands because of the inherent rights attaching to such lands."

The inamdars, the jagirdars and talukdars and other people who possess vast pieces of land shall not be touched. If the honourable the leader of the House has the welfare of the masses at heart he should have come forward with a bill to distribute all the lands of the village equally among the people. Then certainly he would have done good to the people. If he brings forward a consolidation scheme by which a village consisting of 900 acres, of which 400 acres are owned by 40 persons and 500 acres are owned by one man, should be distributed among the 41 persons of the village equally then I can understand it and appreciate that he has got the good of the people at heart. But here the inamdars are not to be touched and he has not got the courage to bring a legislation to give more land to the man who has got very little. No, that he would not. Even as the law at present stands the man in a ryotwari tenure who cultivates his land as the owner has the possession of the land and nobody can disturb his possession so long as he pays the land revenue to Government. Section 73 of the Land Revenue Code has given him that right. That precious right is going to be disturbed by means of this legislation. This is a very valuable right and it is why people of native states and other places come to take up khalsa lands because they possess that right of possession. Section 73 says:

"An occupancy shall, subject to the provisions contained in section 56, and to any conditions lawfully annexed to the tenure, and save as otherwise prescribed by law be deemed an inheritable and transferable property."

Nobody can touch this right as the law at present stands. In future he will be deprived of this valuable right, and his lands will be taken by his rich neighbours. He will not be taken care of by the Honourable the

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Finance Member. Born with a silver spoon in his mouth, fed and brought up in palatial buildings of Bombay he is not able to understand the miseries of the ryots living in villages. But an I. C. S. officer who has risen from the lowest rung of the ladder and has moved among the rural people must be in a position to understand the real condition of the people living in the villages. If the I. C. S. officers sitting here to-day will lay their hands on their hearts and speak out their real opinion, I think they will oppose this bill down-right. If clause 4 of this bill is passed, the Collector, the Deputy Director of Agriculture and three members of the District Local Board sitting in a bungalow will decide the fate of hundreds of villages of the district. That is exactly the position in that clause. They are so very eager to put it into operation that "as soon as practicable" has been inserted. The committee will be formed; it will prescribe standard limits and report to the Commissioner, and the Commissioner will decide the fate of the villages. Therefore, the Collectors realise that such a thing is not possible to be done and they themselves do not know how much additional cost will be involved. So many entries have to be made and so many matters gone into before the committee sits within closed doors and decides the fate of the villages.

The Honourable Sir CHUNILAL MEHTA : Will not the Collector be an I. C. S. officer ?

Mr. J. C. SWAMINARAYAN : Therefore, he does not like this bill to be passed into law. He knows the difficulties of the people and he realises how people live in the villages. Sir, I now want to point out how this bill affects the land revenue system that is in vogue in this Presidency. Sir, I have to point out the intimate connection between this bill and the way in which land revenue enhancement is carried on in this presidency. This is a very important point and I appeal to rural members to pay very great attention to what I am going to say and then do what they like and decide the fate of the poor agriculturists in the villages. Sir, when the Government of India Act was passed the Joint Parliamentary Committee recommended that in every province the principles of land revenue revisions should be settled by the legislature. Now that important bill is being delayed, and those principles are not being allowed to be settled by this House. This House passed a resolution in 1924, and Government appointed a committee. That committee has reported. That report is in my hands. No bill settling those important principles has been brought forward, but this bill is brought forward. Sir, I shall point out to you one important recommendation that has been made and endorsed by all the members of the committee, including the highest officers of this Presidency who have specially incorporated it in their minute of dissent.

MOULVI RAFIUDDIN AHMAD : Do you mean Commissioners ?

Mr. J. C. SWAMINARAYAN : Yes. These are the important words : "The revision of assessment of land revenue shall be based upon rental, but regard shall also be had to the general economic conditions and

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history of the tract." That minute is signed by Mr. L. J. Mountford, Mr. G. W. Hatch, Mr. J. H. Garrett (the Commissioners of the three divisions), Mr. F. G. H. Anderson, the Settlement Commissioner, Mr. A. R. Dalal, and Mr. K. S. Framji. These officers have recommended in a minute of dissent that the revision of assessment shall be based on rental but regard shall also be had to the general economic conditions and history of the tract. That is the reason why in every settlement report paragraphs are written giving in detail the economic conditions and the history of the tract. In his report on the Viramgam taluka settlement officer Mr. H. V. Braham has gone through all these details; he has given the history of the tract; he has considered the situation from the various points of view, and he has described the taluka—I am using his own words—"A generally flat treeless expanse of rather inferior black soil, imperfectly drained and heavily impregnated with salt, is a more or less accurate epitome." Such is the condition of the taluka—it is heavily impregnated with salt and not a tree grows there. Mr. Braham has gone there, and he has seen it. You see there is no fertile soil, and therefore there cannot be any rich crop. The only crops he has stated in the report are, juari, bajri, wheat and cotton. No other crop can grow there. (The Honourable Dewan Bahadur Harilal D. Desai: What else do you want?) He has also pointed out:

"The great drought of 1899 especially had far-reaching effects on the agricultural prosperity of the taluka from which, aggravated as they were by subsequent failures of the monsoon in 1901, 1911, 1915 and 1918, it has not yet recovered."

That is the condition of the taluka and that is the history of the taluka. That is the condition as described by an I. C. S. officer. That officer has gone into all these details, he has given a summary of the economic conditions in his report and recommended that the enhancement should be within very moderate limits. Sir, you will permit me to read the summary of the officer.....

The Honourable the PRESIDENT: The honourable member began by saying that he is going to connect the land revenue system with this bill. I should like him to point out how and where he connects the two. Then alone his reference would be relevant; otherwise he would be discussing the assessment question just now, which is outside the scope of the discussion.

Mr. J. C. SWAMINARAYAN: Sir, there is vital connection between this and the assessment question. I shall just connect both those things. I want to point out the summary that has been taken into account by His Excellency the Governor in Council. (Mr. F. G. H. Anderson: Just show the connection first). I quote from the summary:

"Irregular and imperfectly distributed rainfall and an unsatisfactory vital record, both centering in the calamity of 1899-1900 which caused a general set-back to the prosperity of the taluka from which it has not yet fully recovered; an unprecedented rise in the cost of living and of cultivation and the inability of a large number of villages during the greater part of the settlement period to bear the increase in the assessment rates imposed at the last revision. A consideration of this history leads me to the conclusion that, although on the whole the present condition of the taluka is such as to justify some further enhancement of these rates now, this enhancement should be confined within moderate limits,"

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Sir, the officer reports that it must be within moderate limits and though the officer suggested an increase of 7·78 in the total revenue of the taluka Government come forward and say that—

“He, however, did not approve his rates and suggested higher rates for dry crop land based principally on the statistics of the sales and rental values in the Government villages which the Settlement Officer had compiled, but had not taken adequately into consideration in framing his proposals.”

I challenge this statement. The Settlement Officer has taken into consideration the history of the taluka and the economic condition of the taluka and suggested an increase which the taluka will be able to pay. Government take into consideration only the statistics of sales and the rental values and increase the assessment by 29 per cent. You know, Sir, how the rental statistics increase. It is because people have got great attachment to their lands and when they are in a bad condition they do not sell the land, but they actually pass a sale deed though it is really a mortgage deed in order to take possession of the land at a future date. This is done by the sowcars in order to evade the Deccan Agriculturists' Relief Act. This is what one of their own officers has said :

“In this taluka there is mostly the practice to have sale documents executed though in fact they are really mortgages. The person who executes the deed is mostly in possession and passes a rent note for the amount just to cover the interest. This is I think to escape from the Deccan Agriculturists' Relief Act and the Income Tax Act.”

And how many sowcars have Government prosecuted though they know that the sowcar evades these Acts ? The agriculturists are illiterate, they do not know the law. The Talukdari Act was brought into operation 39 years ago and now so many talukdars are selling their lands and so many cultivators are purchasing those lands. What happens is that after the sales are done in contravention of the Talukdari Act, after five or six years the Collector comes forward and asks the cultivators to give back the lands to the talukdar. I have asked various questions and the replies of Government are that they are helpless. These are the intricacies of the law and how can these illiterate men know these intricacies ? He would not know that he has to sell his land to his neighbour and he does not know that he should not cultivate the land if it is fragmented. So he would cultivate that land and if the neighbour files a suit he will have to pay a fine of Rs. 50. That is the way how the land will pass into the hands of the moneyed class and capitalists and the result of that will be that the cultivators who cultivate the soil will have to pay heavy prices for getting back the land. The reason of higher statistics of rental values is due to the attachment which the cultivator has for his lands. But now when this law is enacted the cultivator will be compelled to part with the land. Do you know, Sir, the attachment which the cultivator has for his lands ? In the Mulshi Petha people were deprived of their lands and they struggled and fought and they observed civil disobedience. So many are rotting in jail. Here by this enactment we are depriving people of their land. The result will be that rental statistics and sale statistics will be increased and will be utilized at some



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future date for the purpose of enhancing the land revenue. Mr. Bakhtiar who wrote the supplementary report says :

"On account of the attachment which the cultivator has for his lands, when he invests his savings in land he does so little thinking that the amount invested would bring reasonable return by way of profit in fact he does not care whether he would get interest or not. The case of an agriculturist here differs from that of a businessman who would think twice before he invests his money in any concern and he would do so only when he thinks that he would realise at least a good return for the capital that he invests."

It is in this way how the sowcars are making profits out of the agriculturists. When they find that they are realising good amount they make a business out of it. This bill would enable the businessman to do business out of the provisions of this bill.

Sir, I have pointed out the attachment which the ryot has to his land. This is what the Maharashtra Co-operative Institute has said on the subject :—

"The effect of the bill would be to convert the agricultural villages into villages of labourers, the owners being mostly capitalists residing in the towns and cities."

"The Bill does not seem to recognise the great personal attachment that the owners of the small holdings have for their ancestral piece of land and does not contemplate any measures to assist the owner of small holdings in making his holding economic."

The Honourable Leader of the House gave the instance of 2 acres of land held by 8 people who cultivated it by rotation. Now the honourable Leader did not go and give them advice that they should cultivate the land in rotation. They have got wisdom and let them use that wisdom, but do not come forward and enact a bill to deprive them of their lands. This is a matter, Sir, which has to be done by persuasion. The Honourable Minister for Education yesterday in reply to a question from the honourable member Mr. Bechar said that in the case of admission of depressed classes in schools persuasion should be used. In this case the philosophy comes in and the Honourable Minister says "use persuasion" and when the question of the small holdings bill comes in they say "no, the owner shall be compelled and the provisions of this law will be compulsorily applicable to them." Government have got two sets of balances. In the case of depressed classes they say "use persuasion" and in this instance they say "there shall be compulsion to deprive them of what they have got." This bill strikes at the root of the ryotwari system and Government do not like Gujarat and Deccan as they have got ryotwari tenure. They want to convert it into zamindari tenure and I will appeal to honourable members who represent the people of rural areas to be very careful when they vote on this bill. Because they should understand the interests of the poor persons. They must not legislate against poor persons. If they would legislate against both the rich and the poor, I would be the first man to support the bill. But they have not the courage to do that. The interest of the privileged classes is very strong for them. There may be a hue and cry about the rights of the privileged classes. There are so many of them, and if they stand up against them and say "Bring up a proposal for consolidation of the whole of the land of all the people and all will get equally distributed," have they got the courage to do it? No. But they would come forward with a bill in which the poor people will

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be deprived of their land ! It is not the purpose of Government to decide whether the cultivation should be profitable or not. Whether it is profitable or not, it is for them to decide because they will take to some subsidiary work. A Dhed or a Bhangi in a village might be very glad to have a land of 2 bighas. He will cultivate it and carry on his sustenance by supplementing it by hand-loom weaving. There are different scales to be applied for considering different conditions. Those conditions vary in the same village. They vary from village to village. And supposing you say advanced classes men, say a Bania, wants to take up 50 acres for the purpose of making improvements, he will not be able to do it so very effectively because he has to depend on others' labour, because he has to employ labour, while a man who has 5 acres of land will be able to maintain his family, because he works on his land, his wife works on the land, his child works on the land, and he himself gets the fruit of all his labour. This is the independence that he has enjoyed, and he is going to be deprived of that independence ! Sir, at present there is none to come in his way. As long as he pays his land revenue, nobody can deprive him of his piece of land. But here, what will happen ? As soon as under section 10 a notice is sent to him that his holding has been entered as a fragmented holding, then it does away with his independence. Sooner or later he shall have to part with his land. The honourable member Mr. Jadhav pointed out that on account of various causes, for the purpose of paying land revenue, for the purpose of paying his sowkar, or for the purpose of doing many other things, buying his seed, etc., he has to incur debts. Now, he will not be able to mortgage his land ; he will not be able to sell his land. If he has to sell it, he will have to sell it to his neighbour ; he will have to mortgage it to his neighbour. And you know how the neighbour always sets his eye on the neighbouring land. And as soon as he is compelled to mortgage or sell to his neighbour, do you think he will be able to get back his land from that neighbour ? No. He will have to go to the mills in Bombay, or perhaps, if Government or other agency are sending labour from Bombay presidency to Assam, he will have to go there. There have been questions in this House about sending labour to Assam, and Government have themselves said that if the labourers wish to go to Assam, let them go there. But have they got an agent in Assam to see how this labour is being helped afterwards, how it is looked after, and so on ? No. Just after a hundred years, the Right Honourable Srinivas Sastri has been sent to South Africa as agent for taking care of the people who are sent there from India, and perhaps one result of that has been to repatriate those persons carefully back so that they may come back. Now, when this is the condition, everybody would like to have 50 acres of land. But what can he do ? He has not got it. Until you are sufficiently strong enough to find place for these people in industries here or send them to Australia or South Africa, where land is plenty, you should not deprive the poor agriculturist of what little he has got. I should appeal to the honourable members who are coming from Sind that they should not callously support this measure, this confiscatory

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measure. It is confiscatory for the small landholder, not for the people who have got big plots of land. They will get the benefit of it. The man with a big plot will increase the price of his land. But the small landholder will be deprived of what little that he possesses. Therefore, I appeal to honourable members who come from Sind to think very calmly before they throw in their vote in favour of or against the poor ryots of Gujarat, Deccan and Kanara. Sir, this is a very important measure, and some of the provisions are so very drastic that the cultivators will be inviting trouble for them for nothing. Sir, do you know what powers have been given to the Consolidation Officer? He is to be the monarch of all that he surveys. He will be, I think, more powerful than the Arbitration Officer of the Town Planning Act. Sir, he will be practically the ruler of everything that he surveys as soon as he is appointed Consolidation Officer in a village. And if you look at clause 34, look at the whole farce that is going to be enacted, you will see that it says :

“The consolidation officer shall, in the proceedings under this Act, so far as may be, consult these three persons, but shall not be bound by their opinions.”

He will consult three persons selected from the village, but he will not be bound by their opinion. Even if the people say that “this is not good in our interests,” still he says, “No, it is for your good and we shall do it.” At the same time, look at the power that is given to the consolidation officer. He will be able to summon everybody who has an interest in the land. And if he is some ignorant cultivator who has so much work that he has to work from 4 o'clock in the morning to 10 o'clock in the night, he will be so busy with his work that he will not be able to come. And suppose he does not come up, then, what are the sections of the Indian Penal Code that are brought against him?

“If a holder or a person having an interest in the land to be consolidated and red-tributed fails to appear or attend at the time and place required by such officer, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code, and if any such person refuses to make or sign a statement required by such officer, he shall be deemed to have committed an offence under section 179 or section 180, as the case may be, of the Indian Penal Code.”

The poor man without having committed fault will be hauled up under those sections, and all such clauses are much more drastic than the clauses with which the Spanish Inquisition was empowered.....

The Honourable the PRESIDENT: The honourable member has only one minute more at this stage of the sitting.

Mr. J. C. SWAMINARAYAN: Powers like those of the Spanish Inquisition have been given to the consolidation officer. And what will be the fate of the poor man who just now is content with his two bighas or two acres of land and continues to live under those circumstances? He will be hauled up before magistrates for having contravened these clauses, and what will be the result? The poor man will lose anything and everything, and he will live in fear and anxiety. The poor villager will not appear before the consolidation officer and some well-to-do people who know all the ins and outs of this legislation will be able to take extreme benefit of it. I should criticise also the constitution of the tribunal that is going to be set up, the consolidation officer is, according

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to this bill, to be the complainant and also the judge, as in the case of the arbitrator under the Town Planning Scheme. I shall require some more time, Sir. . . .

The Honourable the PRESIDENT : Already the honourable member has spoken for more than half an hour and when he so vehemently opposes the very principle or the very bringing in of the bill, I do not know why he is anxious to go through the details, the clauses, of the bill and take more time. My one difficulty is that there is no time limit for discussion and, I have therefore, only to appeal to honourable members to save the time of the House. The House will now adjourn for tea till 5 o'clock.

(After Recess)

The Honourable the PRESIDENT : Order, order.

Mr. J. C. SWAMINARAYAN : Sir, the greatest boon that is enjoyed by the people of Gajarat and the Deccan is the ryotwari tenure under which whether the ryot possesses a big or small holding, none can disturb him in his possession. This is the precious privilege enjoyed by the people of ryotwari villages. On the other hand, there is another kind of tenure, namely, the zamindari tenure, the talukdari tenure or the inamdari tenure, in which the land is not owned by the man who cultivates it. There is a middleman who takes as much as he likes from the people, and he on his part pays a tribute, or *jama*, or a very small assessment to the State. That sort of tenure is very bad, and in the Punjab, in the United Provinces, and other places where they have the zamindari tenure, the condition of the actual cultivator is very bad, and Government have been compelled to come to the rescue of those cultivators by tenancy legislation. It is in Bombay, and, I should say, in the Khalsa villages of Bombay that the people who cultivate are owning the land. Now, I want that this precious right which the cultivators enjoy should not be taken away from them, and that is the main reason why I should not like to have such a bill which would go at the very root of the ryotwari system to be brought before this House. Certainly, if the people have got small holding, they can be persuaded to consolidate their holdings by propaganda. That was being done. I was moving in the Baroda State some years ago, and at that time Mr. Govindbhai Hathibhai Desai was explaining to the people how they would be able to exchange their lands, or how they would be able to divide their holdings in such a way that there would not be small holdings. For example, if one man has got 4 sons, and he has got pieces of land in 4 places, the people were persuaded not to divide each of the pieces into 4 parts, but to divide them into 4 pieces among the 4 brothers, so that each of them could get a whole piece. Such a thing was being done by persuasion. I was moving with Mr. Govindbhai Hathibhai Desai, and he was explaining to the people the advantages of adopting such a method ; the people were understanding that it was to their benefit, and they were carrying out the suggestions.

The Honourable Sir CHUNILAL MEHTA : Will the honourable member be good enough to inform me whether Mr. Govindbhai Hathibhai

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Desai is in favour of this bill, and is a strong supporter of legislation or not? I have moved with Mr. Govindbhai Hathibhai Desai in the same way as my honourable friend has done, and I know he is the strongest supporter I have seen of legislation for both these matters.

Mr. J. C. SWAMINARAYAN : Mr. Govindbhai Hathibhai Desai was responsible for the passing of the legislation in Baroda State. In the statement of objects and reasons of this bill it is stated that a consolidation Act has also been placed on the Statute Book by the Government of His Highness the Gaekwar of Baroda. But it should be understood that they have not been using that legislation for compelling people. It is only permissive legislation, and the Honourable the Leader of the House said that in Baroda the legislation was merely permissive. But here we find that this legislation is like the drastic treatment of the Spanish inquisition : it is most drastic in its operation.

When the Honourable the Leader of the House day before yesterday uttered the words absentee landlordism and oppressed tenantry, I was very much delighted. I thought that he would turn his attention to the grievances of the tenants, would legislate on behalf of the tenants, and give them fixity of tenure. But when we ask questions about tenancy legislation, Government say that it is under their consideration. In that matter, they are not moving as rapidly as in this matter, because here the poor persons are to be dealt with, and it would be possible to legislate against the poor. It would be possible to legislate against the poor, because they cannot make their voices felt ; while the other people, the rich people, if you touch a single hair of theirs, they would tear legislation into pieces.

Mr. B. G. PAHALAJANI : Is repetition allowed, Sir ? I have so often heard the same thing repeated.

Mr. J. C. SWAMINARAYAN : We want that Government should give those rights which the people of Khalsa villages are enjoying to the people of zamindari, talukdari and inamdari tenants. That is what we are fighting for. We are asking Government to give them fixity of tenure. That is the reason why people are coming from Native States and other places and trying to get a piece of land in Khalsa villages.

Rao Bahadur B. R. NAIK : Is all this relevant, Sir ?

The Honourable the PRESIDENT : Will the honourable member conclude his speech ? I thought he wanted only a few minutes.

Mr. J. C. SWAMINARAYAN : Sir, therefore, the proper thing that Government have to do is to legislate in favour of people who are weak and poor, who are oppressed. But here, on the other hand, Government are bringing forward legislation which would make the rich richer, the strong stronger, and deprive the poor people of what little they possess. From the beginning to the end the whole legislation would deprive the small holders of the benefits that they enjoy, and the small holder will be driven away from his village. As has been pointed out by the Maharashtra Co-operative Institute, he will stay there and will be a wage earner ; he will become a labourer. The whole social

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economy of the village will be destroyed, and you will destroy village life which at least is a living thing before us up to the present time. Village life will be destroyed, and the result will be that the men who are the owners of land will be converted into mere labourers, and if not labourers they will be converted into tenants at will. As a tenant-at-will, he will only be able to cultivate the land for another man, that is, the landlord. What will be the result? He will be a tenant-at-will, he will be evicted at any time. All these dire consequences will follow as a result of the passing of this bill. Therefore, I have to make an appeal to the people who represent the rural interests, who represent the cause of the rural areas, who represent the cause of the poor ryots, to think very calmly on this important question; I appeal to them that they will uphold the cause of these poor holders, and will not allow this mischievous legislation to be placed on the statute book.

The most important thing that I want to urge before honourable members is that even if we legislate in this manner, the small holder will not be able to utter his voice. He is engaged in working in the field all his time; he will not know what we have done, and he will have to endure the consequences. As my honourable friend Rao Bahadur Naik said, 40 per cent. of the people will be dispossessed of their land in Bardoli and Chorasi talukas.

The Honourable the PRESIDENT: The honourable member is repeating himself.

Mr. J. C. SWAMINARAYAN: In the name of the people who will be dispossessed of their lands, I appeal to honourable members to reject the first reading of the bill.

Mr. F. G. H. ANDERSON: Mr. President, after the very pressing appeal which has been addressed to me by the honourable member who spoke last, I somehow feel it my duty to rise at this stage, in order that the House may understand that the Honourable the Leader of the House is not the only member on this side of the House who supports this bill. He has introduced this bill with an eloquence and completeness which I cannot equal. However, it is now 48 hours since the House heard those reasons, and it is possible that in the multitude of oratorical efforts which have followed, some honourable members may have forgotten the exposition he gave of the principles of this bill. Without attempting to paint that lily which he has produced, I will, though less ably and eloquently, try to put the matter in as simple words as I can, and address myself to the understanding of those honourable members, of whom there are a good many, who are not agriculturists and who have perhaps not gone much beyond the limits of town life. Those who are agriculturists and who are in contact with agriculturists know as well as I do that this bill is absolutely essential in the present condition of affairs. But there are others who cannot understand the real state of affairs. For the last 34 years, Mr. President, I think I may claim that I have moved about in the fields of this presidency, especially in connexion with the matters arising out of fragmentation, to a far greater

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extent than any other honourable member of this House. I was doing this work while the honourable member who has just preceded me was still a little boy. I had to look into questions of rights of ryots, questions of boundaries, questions of right of way and all the sorts of things arising out of fragmentation of holdings. All this knowledge I have gained is not based on book reading; it was not acquired in an arm-chair. But it is knowledge I have gained on the spot in the field in the company of the holders of land and in conversation with the ryots. I will just give an outline of the points which I wish to develop. I would explain first that the bill has two parts—similar but quite as distinct as the two legs on which I stand. The prevention of fragmentation and consolidation are the two legs of this bill. Both stand on the same economic ground and both support the same body, the principles of the bill which the Honourable the Leader of the House has introduced. I do not want to use long words. The first part of the bill seeks to prevent the formation of *too small plots* and the second part relates to consolidation when a holding is scattered into *too many plots*. Though the two things are quite distinct, as I have already pointed out, they unite.

First I will touch upon the facts and explain why they are extremely grave and menacing for the agricultural welfare of this presidency. Let us look to the facts as they are. There are 32,695,000 acres of cultivable land. That is occupied by 2,000,000 holders. That is to say, each holder has on an average about 16 acres. You have to include in this the very vast stretches of land in the Deccan and the hills of Ratnagiri and the like which are very poor. (I will deal with Ratnagiri in a moment.) Therefore the really useful area of each holding is far less than 16 acres. The population of this presidency is about twenty millions excluding Sind. Each one of this population will have to live on  $1\frac{2}{3}$  acres and out of this  $1\frac{2}{3}$  so much is poor stuff that he has to live really on little more than one acre.

There are three million survey numbers which are not divided into sections; and we have already measured 7,500,000 of sections of survey numbers, where a survey number is divided into sections. In the Satara and Kanara districts there are still many unmeasured and unmapped. Thus there are in all about 12 million parcels of land divided among 2 million holders, that is, on an average each holder has got 6. Each one of these *pot hissas* is a little over  $2\frac{1}{2}$  acres and the great majority are even below that. A great majority of the holdings contain even more than 6 or 7 separate parcels. That is in itself a bad position, and that is not all: it is yearly getting worse. If we take for instance Ahmednagar no one will venture to tell me that the population of Ahmednagar has increased by leaps and bounds. Yet we had by 1920-21 measured 347,000 *hissas* and within the last seven years the number of *hissas* has risen by 42,000 or about 2 per cent. per annum while the population has certainly not increased in the same ratio as the fragmentation of holdings. The fragmentation has increased at the rate of 2 per cent. per annum. But it may be asked why the fragmentation has increased much more rapidly than before British rule. I will tell you why;

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the answer is simple. Then the joint family was intact, which has now especially since 1886, been dissolving under the operation of the Income Tax Act and secondly because in those days there was no pressure of population and a vast area of lands remained uncultivated. What are the reasons for the increase of fragmentation, generation after generation, even without any material increase in population? The reason is chiefly the terrible jealousy— I must say so because I have seen it with my eyes—among the brothers in almost every agricultural family. Each one will abate no chance to take advantage of the others. They will go so far as to fight over the partition of honey on the branch of a tree: they have even been known to fight over the partition of the shade of a tree, not its fruits nor its branches. There is a very curious superstition in the Deccan which honourable members may know that if land is divided among four brothers into four strips the eldest must have the portion on the right hand, when we stand facing the east, the next brother the next piece and so on. They do the partition of the land in this peculiar way: and cannot get these sub-divisions reduced even at the succeeding inheritance. If a man dies leaving two sons, the most natural thing is to divide the land into half and half. That would not satisfy them. This is how they do it:

(Here the honourable member illustrated with a piece of paper by dividing it into four parts horizontally and vertically and pointed out that the brothers would prefer to have the diagonal portions and not adjacent portions.)

Very well. Now, when that has been done, we will suppose one of the heirs dies leaving two sons. One would naturally think that one son takes one piece and the other one takes the other that is left. No; they do not. "There is a possibility that the other piece is better than this; therefore I want half of both"—that is what they say; they cannot give any reason, but that "one share might be better." Again, when dividing the plots into two, one would suppose they would be content with dividing each into two equal pieces; no, they either divide it in much the same way as before (dividing it into four pieces and taking the two diagonally opposite ones for each), or else fearing lest the north or the south portion may be superior or inferior, they divide it into four pieces like this—and then, following the prevalent superstition, which requires, when land is divided into strips east and west, the eldest must take the right hand strip as seen when standing facing east, the second son takes the next, and so on. Thus although there may be no increase in the number of persons holding the land still the number of fragments into which it is divided generation after generation goes on increasing. (The honourable member illustrated his remarks with a piece of paper and scissors.)

Well, now, even if there is no increase in the population, so long as this superstition continues and so long as these terrible jealousies continue, there is no hope that fragmentation will cease; nothing can stop it but this bill. It is said that this fragmentation is necessarily based upon the Hindu law. I do not want to introduce any communal distinction here;



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so I will add that it is based on Muhammadan law also. Now I have placed both communities on an equal footing! Even if it is so, I will make this observation; that these inspired prophets, these ancient sages, did not legislate for everything; they did not, for instance legislate—I have looked up their books anywhere for motor traffic. That is no reason why we should not legislate for it. Surely, Mr. President, the chief object of this Council itself is to legislate, and to legislate means adding to and improving upon ancient law. It is absolutely no argument to say that Hindu law did not interdict this infinite fragmentation of land and therefore we should not bother ourselves about it. If they had foreseen such fragmentation, I am perfectly certain that they would have legislated. I will touch upon that point a minute later. Now I want the House to take a lofty view. (The honourable member spread out an aerial map of the country around Poona showing many fragmented holdings and lifted it up.) Now this is a lofty view taken from a height of about two miles: a point of view hitherto attained only by the Good God who supervises mundane affairs. I am perfectly well aware that it cannot be seen in all parts of the House. Anybody who wants to see what the fragmentation is like can see it in the extracts which I place on the table and they reveal into what extraordinarily small pieces this land has been cut. Mr. President, this photograph was not specially taken for the purpose of supporting this Bill. I shall give you a much better example in a minute. But I would ask you, looking down upon that (photograph) to remember that this is your land and that is the way in which it is chopped up, chopped up and chopped up; it is murdering it; it is murdering the production of that land. The fertility of the soil, the climate and all these things may remain the same, but if the country goes on increasing this fragmentation from year to year, then the production must go on falling. Now, we know, Sir, that if a cow is bequeathed you cannot cut it up and divide it amongst the brethren. There is one thing you *can* do, and that is to divide its milk. This is, Sir, what the Honourable the Leader of the House desires that we should do in the case of these fragments. The ancient lawgivers would have undoubtedly done the same, because they laid down in respect of that sacred animal that when there was a cow equally to be divided, its value should be divided and that it should not be cut up and divided. They would never have ordained that crime. Now, even this Bill in no way rejects the spirit of the old law; rather it carries it out; it says that you shall not divide the land so as to make it almost useless, but divide the *rent*. All of you have heard the fame of the judgment of Solomon. You will remember the story. There were two mothers and one living child, each mother claiming it. It passed the wit of man to decide to which of them the child belonged; the mothers went before Solomon, and Solomon who had a wonderful insight into the minds of men and the hearts and feelings of mothers, said to his executioner: “Split the child in two”, and the false mother said “Yes; excellent; very just and wise.” This is the attitude of the *Kunbi* brethren who say “Split up the land; never mind how small the holdings are.” They have not the interest of

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the land at heart. But the *true* mother, who loved the child, said—and that is exactly what the Leader of the House is asking you to do—she said : “ No; no; do not divide the child ; give it living and whole even unto the other woman, but let it live.” That is what you are asked to do for your land.

Now, we are told that this Bill should not be made to apply to certain areas. Mr. President, this Bill from its very nature cannot apply any where except where it is necessary; it cannot apply where fragmentation has not proceeded to the extent that the Bill contemplates. Show me any village in which there is no fragmented holding, no plot so small as to be unprofitable for cultivation ; that village will not be affected ; it does not require a Gazette notification. Show me a place where all the holdings are nicely compacted ; this Bill will not apply to that place.

Well, now, these facts and figures are rather cold and grey. I am now going to introduce a touch of colour. (The honourable member spread out a coloured map and held it before the House.) Now, this is the map of the village of Manjri near Poona. Every separate color represents a fragmented holding. I am sorry I have got only one copy, but I shall pass it round. A lot of these plots are so small and so narrow, not wider than the table of the House, that although they are under the command of the best canal in the presidency, they cannot be irrigated, because you cannot have a water channel cut through them to irrigate them; and some of them are left uncultivated. If irrigated, nothing can be done to drain them because they are too small and isolated and drainage is impossible, except by a comprehensive co-operative scheme. (Mr. H. B. Shivdasani : What is the scale of the map?) The scale is 10 chains to an inch. Now, I want to devote myself exclusively to the first point that these plots are *too small* to be profitable.

It comes to this that it is universally recognised that there is a limit of size for almost everything. It has been recognised even in respect of the seats on the front opposition bench in this House. You, Mr. President, very wisely limited the number of these seats to 9 and this House has equally rightly acquiesced in your decision that it was impossible to subdivide them further. Had it not been so, I should have been genuinely alarmed (quite altruistically) at the rumour which reached me yesterday about the formation of one more new party with one more leader to sit on that bench and I should have been most anxious and curious to know who the party was. I do not know whether your calculations were based upon linear or superficial or cubic measurements ! But, however they were made, I congratulate you and this House on having made my task so much easier by giving us a very practical and obvious illustration of the impossibility of excessive sub-division. I have seen rice fields no larger than this table. The sub-divisions in rice fields are very small ; but in cotton fields are no doubt larger. What is the minimum size we should prescribe is not now before us. We are not now concerned with details : that is a question to be determined by the judgment of the local people. Let us first consider the case of people who have pieces of land which are “ too small ” ; that is to say, so small that

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the owner cannot cultivate them profitably and indeed it is not *profitable* for anybody to cultivate them. Now the first point is that of boundaries. It is not difficult for a mathematician like my honourable friend from Ahmedabad to understand that as the area of the plot decreases, the area required to be devoted to boundaries increases in its ratio to the area available for cultivation.

Then there is another difficulty which may not be understood by non-agriculturists, namely, the question of weeds which eat the food intended for the plant. There is in any given area of soil a strictly limited amount of plant food. Weeds cannot eat this food without doing grave injury to the crop. If a field is full of weeds then that field will have miserable, starved crops choked with weeds that have grown as strong as the crop, using up its food. One is always seeing hundreds of such plots. Now some honourable members may ask "what has that got to do with fragmentation?" It has a great deal to do with it. Suppose a man has got a piece of land and suppose the next piece is waste, uncultivated land, where the weeds will be in abundance, this man will be helpless to keep the weeds out. He cannot do it. Come to an agricultural farm, say, in the Agricultural College or quite near us, at Manjri. I hope honourable members have seen some of the agricultural farms. There they will find in the first place a compact piece of land and in the next place will find hardly a weed in it. Because the Agricultural Department take particular care to remove the weeds which destroy the plants. But you cannot keep a too small plot of land as tidy as this farm. You may try, but you cannot do it in fragmented land because the plot is very small and you cannot properly protect it.

There is another thing, namely fencing to prevent stray cattle coming in. This cannot be done in small plots because the cost per acre of fencing increases in proportion as the area which it encloses decreases. You may say that many big fields are not fenced. They are not fenced because large fields can be watched. It is most necessary to enclose the fields to prevent stray cattle damaging the crops and thus diminishing the value of the yield. I will tell you one conspicuous instance. Take those villages where it is possible to grow second crops after the rice. It is quite common in Gujarat and Deccan but especially in the Konkan. After the rains they grow second crops but unless this land is fenced it is almost no use attempting because cattle (which use other pasture in the rains as grazing ground) in the rabi season are let loose to graze on the stubble and they would eat up all the second crops if left unfenced.

Rao Bahadur B. R. NAIK : Are Kaira fields fenced ?

Mr. F. G. H. ANDERSON : Yes, there are very solid fences in Kaira. I never saw so many fences except in England.

Now I have found in villages in Ratnagiri as much as 1,000 acres of excellent land all fit for second crops such as linseed, "san" hemp, etc., yet not so used. On enquiry why, I was told "because of straying cattle," I said "why don't you fence it?" They said it was not possible

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because the land is divided between so many people, some even absentee landlords, that no common action was possible, and therefore the whole land is lying waste. Any one who has experience of the Konkan will bear me out and admit this that it is true.

Another thing that you cannot do if you have a too small plot of land is that you cannot use good tools, even, that is those common tools which the agriculturist is so fond of using, namely a pair of bullocks and a plough. The plot is so small that he cannot turn them round and so can't use them. I can show hundreds of such plots.

Then another thing that you cannot do with a too small plot is this that if you want extra capital you cannot raise the money. The plot is so small that nobody would be willing to give you money on the security of that land. The smaller the plot the less in proportion you can sell it for. Suppose you have two acres of land worth Rs. 200 per acre and you go on cutting it in half and then offer it for sale as two plots you won't get as much as Rs. 200 per acre but perhaps only 150. If you go on cutting the field into further bits the price will be not even Rs. 150 per acre and as you make them less and less the value goes on decreasing till at last there is no market for them. The value is gone. We were challenged on this point. It was said that by consolidation the cultivator would not be able to meet the demands for more capital, even to buy out his brother cultivator. I say that consolidation increases the value to the extent of 50 per cent. As more plots are brought together the value goes up and the capital of the agriculturist goes up. That is the true solution.

Now you would think if this is true and the weeds and stray cattle and the difficulties of fencing are all so injurious, why should the poor people be able to cultivate these plots at all? The answer is that very frequently they do *not*. They allow the land to remain waste. We have heard the honourable member from Sholapur, Mr. Abdul Latiff, who has collected some useful figures on this point. I can give many more, but it would be only a waste of time. I will content myself with a few: in the village of Shivangi in Bijapur taluka, certain land is held by the kulkarnis, Survey No. 499. It is divided into a number of too small plots and they have been lying waste and nobody will cultivate them. Then much nearer home in Pandara (Bhimthadi taluka) there is survey No. 105 under the command of the best canal in the Deccan in which you will expect to find the best of crops. But it is not so. You will find that the land is so fragmented that water cannot be supplied to them and people moreover cannot take water through one another's fields; the Irrigation Department is having the greatest difficulties in this village. The land is so fragmented that irrigation is almost impracticable. The waste of water is great; and there is also a great waste of labour and unless we come to their assistance it is probable that irrigation in some areas will have to stop altogether.

I will now turn to the question of the too many plots. These are very well illustrated by this coloured map. No doubt it will be said that it is impossible for members on the other side of the House to distinguish all these colours. That is exactly my point. There are so

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many colours so mixed up that it is very difficult to distinguish them. But each separate colour is here used to indicate the holding of one man. Now, I think you can nearly all see this bright green colour. I will point out to you all the plots held by this man. (Indicates on the map.) Now, that is a holding which we characterise as consisting of too many plots. It is scattered and fragmented. Now, what are the evils of such a holding? Obviously, in the first place all the evils which I have already described for the too small plots equally apply to these too many plots. The troubles about boundaries, about weeds, about fencing, about stray cattle, apply just the same. But there are some new points peculiar to the holding of too many plots. The most obvious is that when the ryot sets out to do his work he takes his bullocks and plough by such roads as he can find to the first plot. Then he has to proceed to the next, because the first plot affords no more than about one hour's work. Now, will he go by the way he came, along the roads straight back to his house, and then out again by different roads to the second plot? I fancy not. He will go straight across by the shortest route across other people's lands to his second plot. In this way, there are constant quarrels and fights about rights of way and about damage done by cattle crossing the neighbours' land. I wonder whether it is realised what an immense amount of loss is caused in villages by these constant quarrels and litigation. When I served in Dharwar district, almost every village was torn by what is known as "*duphli*" or faction and the villagers spent their fortunes and their time in promoting the contest between factions. Many of these had their origin in the quarrels and the ill-feeling generated over rights of way and stray cattle.

Then, again, suppose this man has all these plots, 15 or 20 of them, and has only 3 little girls. Now, which of these plots will he send his little girls to watch when it is necessary to drive the birds off the ripening crop? Again, how can he make any improvements in his land? Suppose he wants to dig a well, a well can be constructed only when there are three or four acres of land to be irrigated from it. But as this holder has no single fragment so large as that, then, although he has plenty of water in the sub-soil and may want to irrigate, he cannot, and his neighbours also cannot use that natural facility because their plots are all too small. In that way the resources of the country lie unutilised. Nor is it possible for any of these holders to take steps to embank their fields against the flow of water or to carry out any improvement which depends upon its relation to the area improved. The people all feel these difficulties themselves. Whenever they can, they do take steps to remedy them. But at almost every turn they find their way blocked by the superstitions and jealousies upon which I have already laid stress. At the desire of Government I myself undertook a thorough examination of one village in Purandhar, the village of Kamthadi. In that village I went through every parcel of land, survey number or division of survey number, to the number in all of 1,070. In many cases I found amalgamations or transfers were possible. In a few cases the people actually took my advice and made them. But in the great

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majority they had only one parrot-cry : “हीच वांटणी वडिलांनी केली ” (This was the way in which our forefathers divided the land), to which I could only reply : “ वारल्यावर काय ? ”. Because, as a matter of fact the divisions are not made by the deceased ancestor, but they are made by the living heirs after his decease, and in many cases I found that the division had actually been made only a year or two before my visit. What we have to do is to save these poor people from themselves, by helping them along the road they want to go but have not the courage, and to help them by getting over the opposition of recalcitrant minorities. Now, this Bill is not intended to perpetrate any outrage upon majorities. It merely seeks to coerce a well-marked minority of people who oppose the will of the majority, who stand in the path that leads to the people's food. We seek to do this only at the request of a clear majority. Now, this, Mr. President, is the essence of all democracy. It necessarily involves the coercion of individuals and minorities.....

MOULVI RAFIUDDIN AHMAD : Then minorities should go to the wall ?

Mr. F. G. H. ANDERSON : Yes ; that is the necessary inference.

It is now time to take one further glance at the economic question. I have emphasized that while the holder of each holding on an average may possess six plots, which may on an average extend to 15 or 16 acres, nevertheless, when the cultivated area is divided by the population, it comes to a very small amount. On an average it works out at about  $1\frac{1}{2}$  acres, not quite  $1\frac{1}{2}$  acres. If that is so as an average of the Presidency, yet in Nadiad, there is hardly one acre while in Ratnagiri the cultivated area works out at about  $\frac{1}{2}$  acre per head of population. If that half acre were the best rice land in which the cultivation had reached the highest perfection, even so, it would scarcely support the life of one. But what then are the facts ? The fact is that in the Ratnagiri district there are 2,38,000 acres of rice land and all the rest is *warkas* or *ragi* land. *Warkas* land is cultivated once in seven years and *ragi* land we do not think much of. There is therefore less than  $\frac{1}{4}$  acre of rice land per head. Suppose, Mr. President, that we built a wall round Ratnagiri, and left all the cultivators there and said to them “ You cultivate all that land, we will not take an anna of government assessment, we will not take one pie of rent (for the khot) for that land, ” what would be the result ? The result would be that within six months the whole population would be starved to death, because land in Ratnagiri cannot by any human possibility yield enough to feed the people. It is not a question of assessment.....

Mr. R. S. ASAVALE : Is it not a fact that people from Ratnagiri migrate to Bombay in search of employment in the factories of Bombay ?

Mr. F. G. H. ANDERSON : The honourable member is anticipating my argument. I am coming to it. I say they must go to Bombay. Does the honourable member want to stop them going to Bombay ? If he does, he will only starve them to death.

Mr. R. S. ASAVALE : Does the honourable member, Mr. Anderson, want the remaining people also to run to Bombay ?

Mr. F. G. H. ANDERSON : There is a total population of 11,54,244 in the Ratnagiri district. The lives of those who remain are saved by the people who go out of Ratnagiri for earning a livelihood. I have here a sample of Burma rice such as is sold in Poona yesterday. We have had Australian wheat sold in Poona, and we have also American cotton sold in the Bombay market. The Bombay Presidency cannot produce all it wants for its people.....

Rao Bahadur B. R. NAIK : Does the honourable member mean to suggest that the Bombay Presidency has not got enough cotton for its mills ?

The Honourable the PRESIDENT : No interruptions, please.

Mr. F. G. H. ANDERSON : There is much wanting in quantity and quality. The only thing to do is to make the land yield more by the employment of better tools, more capital, better methods. This bill is intended to remove some of the difficulties that face the cultivators when they try to do it.

A fear was expressed especially by my honourable friend from Surat, Rao Bahadur Bhimbhai Naik, that by this scheme of consolidation we are likely to drive the people off their lands. We are not going to do that to the extent which he depicted. He said that in the Matar taluka 75 per cent. of the holdings are below five acres. Quite right, it is true. His argument is this, that supposing we fix the lowest limit of a holding at five acres, then 75 per cent. of the population of Matar will have to go out of Matar so that you may raise the average of the holdings above five acres. But it does not require that the 75 per cent. should be pushed off the land. If you will take a pencil and paper and do a little arithmetic you will find that it will be quite sufficient if even 3 per cent. of the small holdings are given up, and their area included in the area of the other holdings in order to raise the average of the remainder above the minimum limit. It is a pretty little arithmetical catch. I recommend it to the Honourable Member for Ahmedabad for inclusion in the next mathematical examination paper. It does not at all follow that if 75 per cent. of the holdings happen to fall below the five acre limit then we should evacuate all those holdings in order to raise the rest of the holdings above the five acre limit. What we want to do is to convert a large number of indifferent, half-skilled and very much under-employed agriculturists who get a very small outturn from badly cultivated land during part of the year and during the rest of the year are equally half skilled, indifferent, under-employed industrial workers through the evils of these small-sized plots and the scattered fragmented holdings, into a definite class (on the one hand) of skilled and fully employed agriculturists, and (on the other hand) into a class of fully occupied, fully productive industrial workers. We desire to see the agriculturists employed on consolidated holdings, using far more capital, better tools and modern machinery and we should like to see the rest employed in such industries as dairying, the leather, oil-seeds and woollen industry, cellulose and paper-pulp and other industries to which

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the agricultural population can turn in their own villages. Let me cite the example of the late Mr. Jamshedji N. Tata. I suppose he has found employment for displaced agriculturists to a far greater extent than anybody else, but he did not lose the capital he employed.

An Honourable MEMBER : What about Mahatma Gandhi ?

Mr. F. G. H. ANDERSON : If your capital is so employed, it will not be lost. It will all come back to the investors. I cannot do better than remind the House what my friend Sir Peter Clutterbuck, one of the greatest authorities on Forests in India said at the recent Meeting of the British Association. He pointed out that there was certain to be before long a world famine of this stuff (holding up a piece of paper) ; while the Indian forests are extensive enough to supply the world with all the bamboo pulp it needs for the manufacture of paper. Yet it is very difficult to induce people to embark on this industry.

The object of this bill is not to drive people off the land but it seeks, by means of a sensible scheme of consolidation of small, unprofitable holdings, to make the land yield more for the common good. I know we are going to be accused—we have already been accused—of seeking to expel ryots and of establishing large farms worked by slave labour and so on, such as the Romans called “lati fundia.” There is no such idea. There are plots below the minimum at which it is profitable to work them at all. We are asking the House to take steps to wipe those out. Do not accuse us of any design to turn these properties into great ranches like those in Canada and Mexico. This bill has been drafted with the single idea of benefiting the Indian ryot. There has been much misrepresentation. We have tried to remove that misrepresentation, and the opposite Benches must remember that if misrepresentation is repeated after refutation, it becomes wilful misrepresentation and then it recoils on the heads of the people making it. There is no need of any further proof of the fundamental proposition that one acre cannot go on indefinitely producing more by merely putting more work into it. The condition of our agricultural population is very much like that of an open boat at sea which has on board the maximum number of people. It is sunk right down to the water-line. If any more people get in, it must sink. What then shall we do if a number of people come swimming up and say that unless you take them on board they will drown ? The answer, hard as it is, undoubtedly is that if you do take them on board then they will drown just the same and all the people already in the boat must drown too. The true remedy is not to take them on board and so ensure a catastrophe. The remedy is to find another boat. Just similar is the case with land. You cannot go on piling cultivators on to the same land over and over again in order to make it yield more and more indefinitely. How is it possible to bring more land under cultivation ? It does not exist. It is essential for the people to turn their energies into other channels diverting the surplus agricultural population into rural industries as closely associated as possible with agriculture. There is a vast field for enterprise of this kind.



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I should like to draw a parallel between the agriculturists in this respect and the hand-spinning industry, but I let that pass by. I say it is the duty of this House, of the representatives of the people, to find other industries. I say that it is not sufficient argument to say that this bill does not go far enough. That is one of the charges laid against it. It is not the distance that we travel, it is the direction which is of importance. If your ship is going on the rocks, it is not the distance but the direction that matters. If you turn it round and give it even a small motion in the direction away from the rocks you are saved; but if you cannot, you get still nearer the rocks and are doomed. Now it is the direction not the distance, that counts. Once we have got on the right direction, we can increase the pace later. We know this measure has been good enough for Baroda. But in order to emphasise my contentions, I shall quote a much more recent authority, I am going to quote a gentleman who is not famous for his blind support of Government: and who has not been accused of being subsidized to write this book I have newly received. These are the words of Professor K. T. Shah, of the Bombay University, in his "Sixty years of Indian Finance."

"The modern civilised State cannot consider its duty accomplished merely by bringing about a greater degree of distributive justice in its tax-layers. It must make it its first concern that the wealth of the people increases. The agricultural wealth of India cannot increase so long as the cultivator is tilling small unprofitable holdings, with the perpetual risk of their being still further reduced. Legislation *must* [mark that word] simultaneously be undertaken to reduce the 'morcellement' (fragmentation) of the agricultural land in India by some system of pre-emption [exactly what the bill does] or some other guarantee against sub-division of an uneconomic kind, concomitantly with a definite scheme of consolidation of agricultural holdings."

Now, that is hot from the press; but I will next read a passage to exactly the same effect which was written about a century ago. This was what was written in the first Joint Report of 1840.

"If fields are allowed to be sub-divided without limit, and treated as recognised holdings, the inevitable result will be the ultimate sub-division of the whole land into very minute occupancies accompanied by the impoverishment of the whole agricultural class."

Mr. President, that is exactly what is intended to be provided by the bill.

I will now turn to another matter. This House, you, Sir, and I and the rest of the honourable members have been committed for trial. We are taking our places in the dock. We have had 8 years of limited power and limited responsibility for the governance of this presidency, and we are now shortly to be tried by a Royal Commission as to our fitness for more *or for less* of this responsibility. Do not let us deceive ourselves; I say again "*or for less.*" The period of ten years was never designed, could never have been designed, on the principle of "*heads I win, tails you lose.*" We must not delude ourselves that, however unsuccessful the experiment, at least none of the responsibility can ever be taken away, but more might be given. Now, Sir, the question is being put to us; all eyes are on us. The judges have not yet taken their seats; but there is an air of expectancy all round. Brief-bags are being opened; gowns are being adjusted, we are watching the door by which the judges will enter. Let us think of what plea we shall put in. What is the charge? "That, being chosen to represent the interests of a largely

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agricultural population, and in that capacity having to deal with a bill which unquestionably intended to make some headway against an admitted agricultural evil, a notorious evil, that we had neither the intellect to suggest a better plan nor the strength of character to accept this " That is the charge. There is no escape from the charge in the excuse that we had only limited power and limited opportunity, an awkwardly shaped slice of the total responsibility. That will not avail. This is a Government bill and with the help of a few members of character and intelligence on the other side of the House it must go through. I entirely refuse, Mr. President, to believe that there is not in this House sufficient intelligence to comprehend this bill. Most of us are well able to grasp and understand these evils. The exact machinery perhaps may not be quite approved, but that is a question for the select committee and for the second reading. I have done my little best to help the House to understand what it is we are arriving at, and I am sure that it will not hesitate to place on record a valuable document for our trial, by voting in favour of the first reading of this bill.

I should like, before I close, to pay a personal tribute to the Honourable the Leader of the House, whose zeal.....

Mr. R. S. ASAVALE : Before the honourable member finishes, on a point of information, I want to know whether any expert from Government was consulted in framing this bill.

Mr. F. G. H. ANDERSON : Certainly : perhaps a dozen experts have been consulted. I should like to pay a personal tribute to the Honourable the Leader of the House for the zeal and enthusiasm with which he has pursued this measure for years, to my knowledge. A measure something like this was first drawn up in 1917, in the discussions in regard to which I took a considerable part. I have always supported the principle of this measure ever since then. We know that it was three times brought before this House and lost, through failure of support from the Government benches. The Honourable Sir Chunilal Mehta has never slackened in his enthusiasm and persistence, and I ask the House not only in recognition of the necessity of the measure and the unquestionable improvement it will effect, but as a personal tribute to him and as a vote of confidence in his leadership to give this bill a first reading without hesitation.

The Honourable the PRESIDENT : I find that there are about 15 honourable members desiring to speak, and it has been my experience for the last two days that every honourable member who has spoken has practically taken an hour. At that rate, if I give a chance to all the honourable members who stood up, we shall want 15 hours to finish this discussion which, I am afraid, cannot be done.

Mr. L. M. DESHPANDE (Satara District) : Mr. President, I do not claim to know every part of this presidency, but I may tell this House that I have some personal experience of agricultural holdings, as I have worked in them for some years. The argument that has been brought forward regarding the yielding capacity of small holdings, that these small holdings yield very little because of their smallness is, I think,

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untenable. Unless what is meant by a small holding is made clear, it cannot be said that a small holding by itself is incapable of giving a good outturn. From my experience I can say that the smaller the area, the greater the outturn. Under the present state of affairs it is a fact. If it is ascertained what a small holding means, then I can say that a small holding gives a greater outturn. I will give an example. Suppose there are two persons, one of whom has five acres of jirayat land and the other 20 to 25 acres of jirayat land. I can assure you that for want of live stock, good fodder, manure, agricultural labour, and other things, the person who owns 20 to 25 acres in one place cannot realise that quantity per acre which the person who holds five to six acres will realise.

The outturn of a man who has got a small holding is far more than a man who has got a bigger holding, because the man with a small holding works on the field himself and keeps watch so that his expense on the holding is much less. If by small holding is meant less than 3 (three) acres of Bagayat and less than five acres of jirayat that is something. One University Professor Mr. C. N. Vakil has expressed the opinion that an economic holding should be between 15 to 20 acres of jirayat. These opinions are before Government and they are compelled to take measures on them, in spite of the fact that these are opinions without any intimate personal knowledge of agricultural conditions. The fact is that it is more expensive to cultivate a larger area of land and the outturn will comparatively be less. It may be true in the case of foreign countries that a big holding yields more. But in India the case is different. Each man has got some land and 70 per cent. of the population, as has been pointed out by one honourable member, are agriculturists. They find their living on agriculture. We cannot expect here tractors and other things which are in use in foreign countries. They will be of use in big plots of 50 acres or 100 acres. Mr. Keatinge has expressed similar idea, but I do not think even a sardar holds such an ideal farm.

Before we proceed to consider this bill it is necessary to ascertain what this small holding means. Now, the whole thing is left to be considered after the passing of this Act. We are asked to pass this Act without knowing what a fragmented holding is. In the statement of objects and reasons it is stated :

"The subject of the excessive sub-division and fragmentation of agricultural holdings has engaged the attention of Government for a number of years. The evils resulting from these processes may be briefly stated as follows :....."

Government know what they mean by fragmented holding. The standard that they wish to put may be very high as we rightly fear it will be. It is very difficult to see what it really means.

Another thing is this. The framers of this bill have stated in the statement of objects and reasons :

"The excessive sub-division of land in certain areas of the presidency has gone so far as to amount to a serious hindrance to cultivation resulting in a general diminution of their crop outturn."

What I wish to say is that so far as Karad Taluka of the Satara District is concerned the outturn has not fallen on account of fragmentation of holdings. I wish to bring to the notice of the House that the number of sub-divisions has increased since 1917, because till then the record of

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rights was not introduced. In the Central Division in the year 1905 the number of sub-divisions was 62,000 nearly and in 1916-17 it has risen to 372,000. This increase is due to the introduction of record of rights and subsequent Phalany party. In that all sub-divisions have increased by leaps and bounds. In the record of rights *samaik* (joint) holding was placed in the names of the khatedars in the ratio of one-third or one-fifth. This is how sub-divisions have increased. As a matter of fact the outturn has not decreased as a result of this fragmentation. The Honourable Sir George Curtis stated :

“ As regards the facts brought forward by the Honourable Dewan Bahadur Godbole yesterday in his very lucid speech I entirely agree with their importance. I only wish to add that he has underestimated the difficulties of the problem and the extreme complexity of the land tenure covered by these incessant sub-divisions. ”

The increase in the number of sub-divisions is due to the introduction of record of rights. Unless Government make it known to the public what they wish to do they cannot expect the public to support this measure.

The Maharashtra Co-operative Society, an important semi-government body, has given its opinion on the point. They have carried on an investigation in a village near Poona and expressed the opinion that if 10 acres is taken as the unit nearly 200 cultivators out of nearly 280 will have to leave their fields. When a non-official body has expressed one view after going through the actual records it is necessary that Government should have placed that view before this House and ascertained what would be the result of this measure if a particular standard unit is taken as the basis and thus removed the doubt. Unless the House is in possession of this information it is very difficult to give support to this bill. Nobody says that there should be excessive sub-division. The mover is very good and we wish that the bill is also as good as the mover. The yield of the land is getting less and less because the rains are getting less and less, and not because of sub-divisions. That has been admitted by Government.

What does this bill say ? It says that for ascertaining the standard unit a committee shall be appointed, with the Collector as chairman and three persons selected from the district local board as members. I do not know whether all the three members from the district local board will be present ; but from our experience in the mofussil, we know that the voice of the Collector will prevail. Even supposing that the three members from the district local board go against the Collector, there is the Commissioner, who is the sole master, and he will set at naught the opinion of the members from the district local board. The fate of the agriculturists will depend on what the standard unit is.

Then, in the statement of objects and reasons, it is stated that consolidation should be of the fragmented holdings ; but in clause 27, it is laid down : “ that a scheme for any village or for any area in a village shall be made to consolidate and redistribute the holdings of land ”—that means, the whole of the land of the village. It will vitally affect the interests of all persons in the village, unless it is made applicable only to fragmented holdings. Some people fear that this bill may

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enunciate the vicious principles set forth at page 14 of the Administration Report :

“The science of economic and fiscal theory is recognising more and more fully the right of the public to this share (share in all the unearned rental values of land), and the pre-eminent position, in every scheme of taxation necessary for the maintenance of a modern State, of the land revenue.”

So, if the area of the land is increased, one person by himself will not be able to cultivate it ; he will have to rent it. The fear is that then the principle of introducing higher taxation on the rental values—higher than ordinary taxation—will be introduced. The figures given regarding sub-divisions are very large, but they are not such as to startle us, considering the area of land under cultivation. In the year 1921-22 the area of land under cultivation in the Central Division was 13,959,000 acres. Though the figures of sub-divisions are larger for the Central Division, we have to remember that the area under cultivation in the Central Division is more than the total of the area in the Northern and the Southern Divisions.

Now, we are told in the Administration Report that a special officer has been appointed by Government to devote himself entirely to the preparation of schemes for field embankments or thals. There is scarcity of rain, and if the plots of land are larger the water will run away. Thals are necessary, bunding is necessary, and unless our pieces of land are small, it will be difficult to cultivate. So, the idea of forming larger plots of land is not suited to the conditions here.

The question of capital and labour has been mentioned in connection with this question. I do not think, Sir, that the question of capital and labour should find a place in agricultural problems in India, because in India the agriculturist is the owner of the land he cultivates ; he is both a labourer and capitalist. If he has no capital he borrows : he is unwilling to give up his land.

Sir, we were told by the honourable mover of the bill that the bill was published in June and it was not taken up at the last session, and therefore the public had sufficient notice. But, Sir, the people believe that unless a bill is actually introduced, it is not going to be seriously considered. We know that the Land Revenue Code Amendment Bill has been before the House since the February session ; it has been published, and yet the bill has not been taken up in this Council. So, it is only when the bill is introduced that the people know that it is before the Council. Therefore, I contend that as this bill was not introduced at the last session, this is the first time that it is before the public. At any rate I would earnestly request the Honourable the Leader of the House that, although the bill may be carried through its first reading now, yet he should so arrange that the select committee should not meet for another two months. There are four months intervening between this day and the next sessions, and the public should have two months time to place their views before the select committee ; the select committee should meet in January, consider public opinion and then make its report. I think there is no harm in accepting this suggestion.

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There are many details regarding which I have given amendments, but as the honourable mover was pleased to say that he would not take objection in the select committee that they are amendments of principle, I do not move them now. I would like to point out. . . . .

The Honourable the PRESIDENT : I do not know whether he alone can decide that.

Mr. L. M. DESHPANDE : In that case, I would like to move my amendments.

The Honourable the PRESIDENT : I do not know what those amendments are.

The Honourable Sir CHUNILAL MEHTA : I may say at once, Sir, that I do not propose to take exception to any of the amendments tabled by the honourable member as being amendments of principle.

The Honourable the PRESIDENT : I presume what the Honourable the Leader of the House means is that there are no amendments of principle.

Rao Bahadur R. R. KALE : May I ask whether the amendments of which notice has been given by honourable members are amendments of principle ?

The Honourable the PRESIDENT : I understand they are not.

Mr. J. C. SWAMINARAYAN : If an amendment making the bill absolutely permissive, is brought forward, will it be allowed ?

The Honourable Sir CHUNILAL MEHTA : I should object to that.

Mr. R. S. ASAVALE : Yesterday the Honourable Leader said that he would not object to even amendments of principle. Is he going to go back on that ?

The Honourable the PRESIDENT : The Honourable the Leader of the House has said that the amendments of which notice has been given are not amendments of principle.

Mr. L. M. DESHPANDE : I have nothing more to add as any amendment is allowed in the select committee and in the second reading. So I do not like to go into the details of this bill now. I would like however to say that the title of the bill should be "Prevention of Small Holdings Bill" rather than "Small Holdings Bill". But this is not a material matter. With these words I would only support the preamble.

The Honourable the PRESIDENT : I will give an opportunity to any member if he can finish his speech in ten minutes, because I think sufficient discussion has taken place to enable the House to say whether honourable members should vote for or against this bill.

Dr. B. R. AMBEDKAR : Sir, I am afraid whether I shall be able to finish all that I have to say on this bill within the ten minutes allotted to me by you. However I will try my best and will be very brief.

This bill proposes to solve the two problems which affect the agriculturists of this presidency. One is the problem of scattered farms and

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the other is the problem of small farms. I do not think that any honourable member who has listened to the speech of my honourable friend the Settlement Commissioner will deny that the scattered farms are an evil and that that evil should be cured as far as possible. I agree with him that there are a great many disadvantages in having scattered farms and so far that part of the bill is concerned I agree that there should be consolidation. Coming to the question of small farms I must say that I differ from the honourable mover of the bill on the question that small farms are unprofitable. Sir, the honourable member Mr. Anderson loaded us almost with figures showing how small the existing farms were and what were the difficulties that were attendant upon the smallness of the farms. I admit there are difficulties in the existence of small farms but I do not admit that small farms are necessarily unprofitable or uneconomic. I do not understand what is the definition of the word "uneconomic" as it is used by the honourable mover of the bill or the honourable member the Settlement Commissioner. Sir, as I understand the term I should like to state that whether the farm is economic or uneconomic does not necessarily depend upon the size of the farm. It depends and in fact it varies with what we call in economics other factors of production. It varies with labour; it varies with capital. If a farmer has not for instance the means to employ increased labour and if he has not got any very large capital to invest then I submit that if his farm is small it would not be proper to call it uneconomic on that account. That being my position, Sir, I would have very much liked to hear from the mover of the bill and also from the Settlement Commissioner that in our country we had a plethora of capital and that we had large agricultural equipment for a highly efficient sort of production. If they had shown that was the case then we could have agreed with them that the small farms made production uneconomic in so far as they prevented the utilization of the equipment we had to the best advantage. But, Sir, I must confess that the honourable member the Settlement Commissioner has altogether omitted to touch that point. I should have liked to hear from him that the farmer had an enormous amount of capital, that they had ploughs and cattles in large numbers and that they could not employ all that because their farms were too small. So far as I have been able to work out the problem I find that instead of the capital available at the disposal of the farmer being very large and being for instance wasted because his holdings were small, the situation is just the opposite of what we are led to believe. I find, Sir, in the Madras Presidency we have for instance one plough for three acres; in the Bombay Presidency we have one plough for 6 acres. In the Punjab there is one plough for every two acres. I am reading from the official figures. These are the figures regarding the capital equipment of the farmer and taking the position which I am taking namely that whether a particular farm is economic or uneconomic is dependent not upon the size of the farm but upon whether it is commensurate with the capital which the farmer possesses, I am inclined to think that under the present circumstances

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it is better to further reduce the farms. That will be my logical position and I am not afraid to face it. I do not therefore understand what is the use of enlarging the farms if, for instance, the farmer has not got the wherewithal to cultivate the land. I do not understand how the increasing of the area of the soil goes to add anything to his produce if he has not got the necessary labour and capital to cultivate the land.

Then we have also got to remember one fact that ours is an old country and that our soil is exhausted. We have been cultivating for thousands of years and no matter what efforts we may take we cannot raise the productivity of our soil to the same level as for instance, America where the soil is virgin. We must reckon with that fact. That being so, Sir, the salvation lies not in increasing the size of the farms, but in having intensive cultivation that is employing more capital and more labour on the farms such as we have. I therefore think, Sir, that that part of the bill which deals with the enlargement of the farms is altogether uncalled for. But assuming that these two things are necessary namely that we must consolidate our holdings and that we must also enlarge our farms I think it is necessary to look into the methods that are proposed to be employed by this bill more carefully than has been done by the mover of the bill. Now, Sir, the methods which are chiefly employed in this bill are first, control of partition of the immovable property and, secondly, the sale of consolidated holdings. Now, Sir, I do not think that there can be any dispute on the point that if these two methods are adopted, a large part of our agricultural population will be landless, and I do not think that it is in the best interests of the country that the poorer classes should be further pauperised in this manner. Sir, I should like to point out that although the Hindu Law is very defective in many ways, yet the Hindu Law of inheritance has been one great saviour of the people. Sir, the social and religious autocracy established by the Hindu Dharma has kept a large mass of the people in perpetual thralldom. If their lot is tolerable under this thralldom it is because the Hindu Law of inheritance has prevented the creation of plutocracy. Sir, we do not wish to add economic slavery to social thralldom. Let men be economically free if they are not socially free. I am therefore totally opposed to the abrogation of that just and equitable system of inheritance. At this stage I should like to make one humble suggestion to the honourable mover of this bill. I am prepared to give my support to the first reading of this bill provided he is not wedded to the method of consolidation and enlargement of holding as provided in the bill. I think, Sir, the better method is to introduce co-operative agriculture for standard areas and to compel owners of small strips included therein to join in cultivation without destroying private ownership. If this is done, if some provision for this is made in the bill, then I would certainly support the bill. (Mr. F. G. H. Anderson indicated dissent). The honourable member Mr. Anderson, the Settlement Commissioner, shakes his head. But I can tell the honourable member, that the



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method which I am suggesting is not my own, but is a system which is prevalent in Italy, in France, and is being followed in parts of England with great advantage. In this connection, Sir, I would earnestly suggest to the Honourable the Leader of the House to give his most careful consideration to what Mr. Otto Rothfeld says in his book : " Impressions of the Co-operative Movement in France and Italy." I would quote a paragraph from it here :

" As a whole the movement is one with vast potentialities. It has been imitated in France, since the war, with good results, and in Rumania a similar type of co-operation is almost revolutionizing the husbandry of the country. It is possible that in co-operative cultivation in common a solution might be discovered to those problems of Deccan poverty and unimproved cultivation which centre round the disputed issues of " the uneconomic holding " and " excessive sub-division of property." Such a solution at any rate would avoid that revolutionary interference with traditional rights of succession that is so often recommended by light-hearted reformers of non-farming classes and would not bring in its train those consequences in the way of limitation of families which may be anticipated if legislation interferes to disinherit younger children."

So, it will be seen, Sir, that such a system has been actually tried elsewhere and with success. I would conclude by saying that, if the Honourable the Leader of the House is prepared to consider all these suggestions carefully and will not object to any amendments that may be suggested in the select committee on the ground that they are of principle, and is not wedded to the method of consolidation and enlargement of holdings as proposed in the bill, then I have no objection to supporting the first reading of the bill.

Mr. J. W. SMYTH : I move the closure, Sir.

The Honourable the PRESIDENT : I have received a requisition which is signed by 25 members, who wish to speak on this bill. Now, even if every honourable member were to restrict himself even to the fifteen minutes' limit, if imposed, it is clear that the discussion will prolong very considerably, perhaps for five hours more. Even if I were to reduce the limit to ten minutes for each member, it is obvious that I cannot allow all the twenty-five honourable members to speak. Therefore, whatever is done, I am sure to displease some honourable members. I think sufficient has already been said on all the important aspects of the bill, and I would therefore accept the closure. But before accepting that, is the Honourable the Leader of the House likely to finish his reply within ten minutes ? There are only a few minutes now to 7.

The Honourable Sir CHUNILAL MEHTA : Yes, Sir. I think I can finish within ten minutes.

The Honourable the PRESIDENT : I accept the closure.

The Honourable Sir CHUNILAL MEHTA : I would make it quite clear at the outset, Sir, that I would not object to any amendments that may be proposed in the select committee, to which I wish to refer this bill, on the ground that they are amendments of principle and every honourable member will have an opportunity to move any amendment which he considers desirable to improve the bill or to remove any defects in the bill. But I must, Sir, point out with regard to the vehement and eloquent speech which we all heard from the honourable

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member from Ahmedabad, that he was labouring under a misapprehension that Government wanted, by this bill, to interfere with the rights of ownerships of the poor agriculturists. I may inform him and this House that Government do not want to infringe upon the right of ownership at all. If any honourable members think there are any clauses in the bill which are objectionable from this point of view, they can move amendments in the select committee and they will be carefully considered and alterations will be made if necessary.

The honourable member has been declaiming violently for the last two days against what he called the unholy alliance made by certain parties in the House who usually kept aloof and apart. It is gratifying to find that he on his part has discovered many virtues in the I.C.S., especially the Collectors whom two or three years ago he was never tired of accusing of grossly neglecting the people's interests. He has asked for the benefit of their experience. He has heard the considered views not of a mere Collector but of a Commissioner the Settlement Commissioner and Director of Land Records—who during his long and distinguished service of over a third of a century has trumped more fields and discussed this matter with more ryots than all members of the House including the honourable member from Ahmedabad.

The honourable member went so far as to suggest that there were motives behind this bill. I should have thought that it was an undignified procedure, to say the least, for the honourable member who claims to stand on a high pedestal of morality and ethics to cast reflections against any measures that may be brought on behalf of Government. I will not deal with the criticisms that he has raised.

Sir, I would like to confine my remarks only to those honourable members who opposed the very principle of the bill.

The honourable member for Satara feared that land by this Bill will be going out of the hands of cultivators into those of sowcars. I tried to examine that question some two or three years ago. We have no definite information. We have no forms or statements which will give that information. Two or three years ago we changed the forms by which this information will be collected now in Government records and I dare say that in the course of a few years the information will be available. Such information as we possess collected by a non-official agency and collected by an intensive study of a particular tract, which is a most satisfactory method, I present for the consideration of the honourable member. I claim, Sir, that if you allow the present conditions to go on, you will drive the people away from the land and actually put the land into the hands of sowcars who do not want to cultivate it with their own hands. Here is a report on the Pardi taluka made by the Economic Enquiry Committee appointed by the Co-operative Institute, and I find the names of my honourable friends Rao Saheb Dadabhai Desai and Rao Bahadur Bhimbhai Naik, and the name of Professor C. N. Vakil on the committee. I think I told the House on Saturday that the committee found that "the smaller plots are allowed to lie fallow for years together." Under the same head the Committee go on to say :

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"In addition to the Hindu law of inheritance, unequal fertility and sizes, another cause which contributes to this state of affairs is the gradual absorption of large amounts of land into the hands of the village sowcar by means of foreclosures of mortgages, sales, etc., etc." I do not like to speak without my book. I have not got Government figures to corroborate what I say, but here is a testimony which is, as I said, obtained by an intensive enquiry and is non-official. The honourable member, Rao Bahadur Naik, mentioned quite correctly that the effects of fragmentation and sub-divisions are now being fully felt because the Hindu system of joint ownership and joint cultivation has been broken up on account of the spirit of individualism. I think I pointed that out in my opening speech and I said that that spirit of individualism has come to stay and that it is up to us now to take measures in order to prevent the evil effects of that new system in this regard. I may quote further from the evidence placed before the Royal Commission on Agriculture with regard to the experience of the Central Provinces. This is what Mr. Dyer, Commissioner in the Central Provinces and another friend of my honourable friend Mr. Swaminarayan, said :—

"Chakbandi is the term commonly used in Chhattisgarh to denote the consolidation of holdings. While the operation of Hindu and Mahomedan law tends everywhere towards the sub-division of holdings, the evil of fragmentation is, in this Province, far more serious in the Chhattisgarh Division than elsewhere owing to the evil effects of the now obsolete practice of lakhabhata, which was a device to equalise the holdings of land by a periodical distribution of the fields in the village so as to ensure that each cultivator got his share of the different kinds of land."

I will ask my honourable friend Mr. Swaminarayan whether he does not think that the existing system has led to the impoverishment of the cultivator. I say that there are various other causes which lead to lower production and to the agriculturist's indebtedness, but I say that this is in my opinion the principal cause, and I think it is up to us to try and mend that. It is callous, heartless neglect of the cultivators' interests to ask us to leave the people to themselves in a matter of this character. I have told you that Government have no interest in bringing forward this legislation. It has been mentioned specifically in the bill that Government will make various concessions in carrying out the object of this bill. I have also said that it is going to entail an enormous amount of work on the revenue staff. Do you think that we are undertaking all these burdens for our pleasure? Do you think that the monopoly of looking after the cultivators' interests is in the hands of my honourable friends like Mr. Swaminarayan alone? For five years I have been working on this bill and I would not have brought it forward if I had felt that it was going to do the least bit of harm to my brother, the poor cultivator.

Sir, much has been said about the expropriation of the cultivator. I have already pointed out that it is not a bill to form economic holdings. An economic holding has been put by Mr. Keatinge at 40 acres. I do not propose that the area should be anything like that figure. I do not say that it should be 10 or 12 or 15 acres. It will have to be decided by the committee which is to be formed and on which a large number of

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non-official members will be represented. Sir, I believe that in the case of bagayat land it will be a very small size indeed. The soil varies from district to district and from taluka to taluka, and therefore it is impossible to lay down any figure in this bill. But let me ask the honourable members that even if it is three or four or five acres, why do you argue that people will be necessarily expropriated? Is there any provision in the bill which prevents joint ownership or joint cultivation? Does it say that the people's rights of ownership are to be interfered with? It only says that you shall not divide land by metes and bounds, you can hold it in common, you can enjoy the fruits of your labours in common. And yet I am told that Government ought to have tried joint cultivation before by means of co-operative effort. May I tell you that two co-operative societies were started in the Central Division—one in Bhambora and one in Arjunsonda, for co-operative farming and both of them are absolute failures? We tried our best to make them successful. Mr. Madan, the Indian Registrar of Co-operative Societies, who is held in very great esteem by the cultivator himself, was in charge but without avail. Do you wish us to go on from year to year trying to repeat these failures.....

Mr. B. V. JADHAV : Have you investigated the causes of the failure of the Arjunsonda society?

The Honourable Sir CHUNILAL MEHTA : Yes, and I am sure if the honourable member Mr. Jadhav had been on the Government benches he would have supported this bill.

An impassioned appeal was made by my friend Mr. Swaminarayan to the honourable members from Sind. He heard what the honourable member Mr. Khuhro had to say and, therefore, I do not wish to quote a letter which a Revenue officer in Sind has only just written to the Commissioner in Sind pointing out how the evil is also growing there.....

Mr. NOOR MAHOMED : No, no.

The Honourable Sir CHUNILAL MEHTA : Sir, I say that this is the proper time to take this measure in hand before it is too late. In my opinion it is a very modest one. I wish the Council to lay down the principle that it is their duty to see that the land which gives maintenance and livelihood to such a large population should be utilised in the best manner possible and that it is not allowed to deteriorate in such a manner that all the people of this Presidency will suffer. I am prepared, Sir, to take the advice of all honourable members whom I shall ask to serve on the select committee. I am perfectly certain that they will give us most valuable assistance in so shaping the bill as to make it thoroughly practical. I am not wedded to any particular clause or method laid down in the bill. We have prepared what we think is right. I have had discussions with honourable members, and I see that some of the sections will require alteration. I only wish the House to recognise that this measure is an honest attempt to tackle a great problem, and that it is the duty

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of the House to look after their brethren about whom they speak so much. I therefore beg to move that this bill be read a first time.

Bill read a first time. Question put and carried.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to move that the bill be referred to a select committee consisting of the following honourable members. I have tried to make the select committee as representative as possible, and I have tried to put in representatives from all divisions. Six members are to form a quorum, and the committee to report by the 30th June 1928 :—

Rao Bahadur B. R. Naik.

Mr. W. S. Mukadam.

Rao Bahadur R. R. Kale.

Mr. P. R. Chikodi.

Mr. V. N. Jog.

Mr. B. R. Nanal.

The Thakor of Kerwada.

Mr. N. E. Navle.

Khan Saheb Abdul Latif Haji Hajrat Khan.

Mr. K. M. Munshi.

Mr. M. S. Khuhro.

Mr. B. G. Pahalajani.

The Secretary, Revenue Department.

The Honourable the Revenue Member.

Mr. F. G. H. Anderson and myself.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Sir, I find that only those members who are in favour of the bill have been put on the select committee, and there is none from those who opposed the bill. I therefore propose that the names of Mr. Swaminarayan, Dr. Ambedkar, Mr. B. V. Jadhav and Rao Saheb Dadubhai Desai should be added.

Rao Bahadur B. R. NAIK : I propose that the name of Rao Saheb D. P. Desai should be added.

The Honourable Sir CHUNILAL MEHTA : There are already 16 members on the select committee, and I do not think I should take more. I will take one more, Dr. B. R. Ambedkar.

Mr. G. I. PATEL : I want to move an amendment to this.

The Honourable the PRESIDENT : The honourable member Mr. Haji Mir Mahomed Baloch has proposed the addition of four names, namely, Mr. Swaminarayan, Mr. Jadhav, Dr. Ambedkar and Rao Saheb D. P. Desai of whom Dr. Ambedkar has been accepted by the Honourable Member.

The Honourable Sir CHUNILAL MEHTA : The honourable member Mr. Mukadam suggests that Rao Saheb D. P. Desai should take his place. I have no objection.

Mr. HAJI MIR MAHOMED BALOCH : Two of the names suggested have been accepted. If the committee is to be properly constituted, all the four names should be accepted.

Question put that the names of Dr. Ambedkar and Rao Saheb D. P. Desai be added and carried.

Mr. HAJI MIR MAHOMED BALOCH : I claim a division, Sir.

The Honourable Sir CHUNILAL MEHTA : I will accept Mr. Jadhav, Sir.

The Honourable the PRESIDENT : The motion is :

“ That the bill be referred to a select committee consisting of—

Mr. B. G. Pahalajani,  
Mr. M. S. Khuhro,  
Dr. B. R. Ambedkar,  
Rao Bahadur B. R. Naik,  
Rao Saheb D. P. Desai,  
Mr. K. M. Munshi,  
Rao Bahadur R. R. Kale,  
Mr. P. R. Chikodi,  
Mr. V. N. Jog,  
Mr. B. R. Nanal,  
The Thakor of Kerwada,  
Khan Saheb Abdul Latif Haji Hajrat Khan,  
Mr. N. E. Navle,  
Mr. J. W. Smyth,  
The Honourable Mr. J. L. Rieu,  
Mr. F. G. H. Anderson,  
Mr. B. V. Jadhav, and  
The Honourable the Leader of the House,

6 to form a quorum, and the committee to report by the 30th of June 1928. ”

Bill referred to select committee.

Question put and carried.

The Honourable the PRESIDENT : The House is adjourned till 2 p.m. to-morrow, Tuesday, the 11th October 1927.

*Tuesday, the 11th October 1927.*

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 11th October 1927, at 2 p.m., the Honourable the President Mr. A. M. K. DEHLAVI Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
ADDYMAN, Mr. J.  
AHMAD, MOULVI RAFIUDDIN  
AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
ASAVALE, Mr. R. S.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BELL, Mr. R. D.  
BHOSLE, Mr. M. G.  
BHUTTO, Khan Bahadur S. N.  
BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
BOLE, Mr. S. K.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DABHOLKAR, Sir VASANTRAO  
DAWOODKHAN SHALEBHOY, Mr.  
DESAI, the Honourable Dewan Bahadur HARILAL D.  
DESAI, Mr. J. B.  
DESAI, Rao Saheb D. P.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
FRAMJI, Mr. K. S.  
FREKE, Mr. C. G.  
GHULAM HUSSAIN, the Honourable Sir  
GHULAM NABI SHAH, Khan Bahadur  
GILDER, Dr. M. D.  
GINWALLA, Mr. F. J.  
GUNJAL, Mr. N. R.  
HAJI MIR MAHOMED BALOCH, Mr.  
HATCH, Mr. G. W.  
HOTSON, the Honourable Mr. J. E. B.  
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
JADHAV, Mr. B. V.  
JAIRAMDAS DOULATRAM, Mr.  
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
JEHANGIR, the Honourable Sir COWASJI

JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED.  
 JOG, Mr. V. N.  
 JONES, Mr. W. F.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHRO, Mr. M. S.  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LICADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED. Mr.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. G. I.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 POOLEY, Mr. C. B.  
 PRADHAN, the Honourable Mr. G. P.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.



WINTERBOTHAM, Mr. G. L.

The Honourable the PRESIDENT: Are there any new members desirous of taking their seats.

The following honourable members made the prescribed oath or affirmation of allegiance to His Majesty the King Emperor and took their seats in the Council:—

Mr. R. D. Bell.

Mr. K. S. Framji.

The Honourable the PRESIDENT: Order, order. Questions.

#### CHOLERA IN SHOLAPUR DISTRICT

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Will Government be pleased to state—

(a) the number of attacks and deaths from cholera in each of the talukas of the Sholapur District in the current year;

(b) whether it is a fact that the Mamlatdars of Barsi and Sangola wired to the Assistant Director of Public Health for the immediate supply of the necessary medicines to check the spread of the epidemic which was raging very virulently in those two talukas;

(c) how many days after the receipt of the wires the necessary medicines were supplied to them by the Assistant Director of Public Health;

(d) if there was delay, what was the cause of it;

(e) who was responsible for it, and what steps Government intend to take in this matter;

(f) whether it is a fact that because of this delay the necessary medicines were supplied by the Collector of Sholapur to the Mamlatdars concerned after obtaining them as loan from the municipalities in the district;

(g) whether the Assistant Director of Public Health personally visited the affected areas, and if so when?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The number of attacks and deaths in Sholapur District by talukas are as given below:—

Taluka				Attacks	Deaths	Remarks
1.	Sholapur	..	..	973	438	The figures are given up to end of August 1927.
2.	Barsi	..	..	1,851	828	
3.	Madha	..	..	1,249	530	
4.	Karmala	..	..	1,316	501	
5.	Sangola	..	..	236	98	
6.	Malsiras	..	..	447	150	
7.	Pandharpur	..	..	452	184	
8.	Sholapur Town	..	..	190	102	
9.	Barsi Town	..	..	263	127	
10.	Pandharpur Town	..	..	232	213	

(b) The Mamlatdar, Barsi, did not wire for potassium permanganate to the Assistant Director.

The Mamlatdar, Sangola, wired on 4th August 1927.

(c) The supply to Mamlatdar, Sangola, was sent on 11th August 1927. The Mamlatdar, Barsi's requisition by letter for potash permanganate received on 7th July 1927 was complied with on 12th July and a further requisition received on 28th July was complied with on 11th August 1927.

(d) and (e) There was a slight delay in the supply of medicines but the blame does not rest with the Department of Public Health. In the circulars issued by the Assistant Director of Public Health in March and June he advised local authorities and all Mamlatdars and Mahalkaries to replenish their stocks of potash permanganate and pills in ampler time. The local authorities failed to act on these circulars. The supply of the Assistant Director is only an emergency supply. If the Local Boards had followed the advice of the Assistant Director and replenished their stock, the requisitions on the Assistant Director would have been less and indents could have been complied with more expeditiously. Moreover, Local Bodies are required to purchase potash permanganate and pills for their own needs and it is expected that they should keep a sufficient stock on hand always.

(f) The Collector of Sholapur had informed the Assistant Director that he was attempting to borrow medicines from Local Municipalities.

(g) Yes. In May, June, July and August. The Assistant Director has to devote his time to *all* Districts in his charge. As a matter of fact, Sholapur has been given preferential treatment on account of the Ashadhi fair.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN: With regard to reply to (g) may I know the date?

The Honourable Dewan Bahadur HARILAL D. DESAI: I cannot give the exact date.

DEPUTY AND ASSISTANT DIRECTORS OF PUBLIC INSTRUCTION :  
APPOINTMENT OF MAHOMEDANS

MOULVI RAFIUDDIN AHMAD (Central Division): Will Government be pleased to state—

(a) since how many years the Director of Public Instruction has been granted a deputy and an assistant Director;

(b) whether it is a fact that while a Brahmin and a Parsi have been appointed to one or the other of these places, no Mahomedan has ever been preferred to any of them;

(c) if so, what is the reason of this exclusion?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) There is only one permanent Indian Educational Service post of Assistant Director of Public Instruction. It was created in 1903. A temporary post of Deputy Director of Public Instruction was sanctioned for three years during 1913-1916. The designation of the permanent post of Assistant Director of Public Instruction has been temporarily changed to Deputy Director of Public Instruction from 8th May 1923. The period

for which this change has been made is now to terminate on 7th May 1928. A special temporary post of Assistant Director of Public Instruction has been sanctioned from 1st March 1926. The period of the appointment, as at present decided, is to terminate on 31st March 1928.

(b) The answer is in the affirmative.

(c) The appointments were not made on communal considerations but from the point of view of seniority and suitability of the officer appointed and of administrative convenience.

MOULVI RAFIUDDIN AHMAD : With regard to reply to (c) may I know from the Honourable Minister whether a senior Mahomedan officer was not available or whether he was administratively inconvenient.

The Honourable Dewan Bahadur HARILAL D. DESAI : These appointments were made by my predecessor. I cannot tell the honourable member the reasons. I require notice.

MOULVI RAFIUDDIN AHMAD : The Honourable Minister says here :—

“The appointments were not made on communal considerations but from the point of view of seniority and suitability of the officer appointed and of administrative convenience.”

It is why that I asked whether the senior Mahomedan officer was not available or whether it was found administratively inconvenient.

The Honourable Dewan Bahadur HARILAL D. DESAI : The appointments were made in the time of my predecessor. If the honourable member mentions the name of any particular persons whose claim has been overlooked, I will be able to enquire and give information.

MOULVI RAFIUDDIN AHMAD : Thank you. I will do so next time.

#### DISTRICT JUDGE, GODHRA : QUARTERS FOR STAFF

Mr. W. S. MUKADAM on behalf of Mr. H. J. AMIN (Broach District) : Will Government be pleased to state whether they have considered the necessity of providing quarters for the staff of the District Judge while he encamps at Godhra ?

The Honourable Mr. J. E. B. HOTSON : Yes. The construction of the quarters will be undertaken as soon as funds are available.

#### CHILD WELFARE CONGRESS, GENOVA : DR. SHIKHARE'S REPORT

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether Rao Bahadur Dr. P. V. Shikhare was sent as a representative to the Child Welfare Congress held at Genova in 1925 ;

(b) whether Rao Bahadur Dr. Shikhare has submitted to Government any report on his return from the Conference :

(c) if so, what action Government has taken or propose to take in connection with the recommendations made by Rao Bahadur Dr. Shikhare in the report ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes, *vide* Government Resolution No. 5326, dated the 28th July 1925, copy placed on the table.\*

(b) Yes, *vide* Government Resolution No. 5326, dated the 20th May 1926, copy placed on the table.\*

(c) Attention of the Honourable Member is invited to Government Resolution No. 5326, dated the 10th August 1927, copy placed on the table.\*

Mr. S. K. BOLE : The resolution referred to by the Honourable Minister says :

The report submitted by Rao Bahadur Dr. Chitale should be published for general information. The question regarding the action which should be taken on the recommendation contained in the report is under consideration.

The Honourable the PRESIDENT : What is the question ?

Mr. S. K. BOLE : In the resolution referred to by the Honourable Minister no definite action is proposed to be taken. What is the use of drawing my attention to that resolution ? Is Government going to take any specific action ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No specific action has been taken as yet.

Mr. S. K. BOLE : Do Government propose to take any specific action ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The matter will be considered as soon as the reports from the officers are received.

Mr. S. K. BOLE : When action is likely to be taken ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot say just now.

Mr. S. K. BOLE : It is more than one year, Sir.

“GENERAL CONGRESS OF THE CHILD,” GENOVA : ACTION ON  
DECLARATION

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether they are aware of the Declaration of the Child passed at the first General Congress of the Child held at Genova ;

(b) if so, what action has Government taken to give effect to the Declaration ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) It is presumed that by “the Declaration of the Child” the Honourable Member refers to “the Declaration of the Rights of the Child.” If so, yes, *vide* page 17 of accompaniments to Government Resolution No. 5326, dated the 20th May 1926, copy placed on the table\*.

(b) No specific action has been taken with reference to the Declaration but the orders of Government on Rao Bahadur Dr. Shikhare's comprehensive report relating to the whole subject are embodied in Government Resolution No. 5326, dated the 10th August 1927, copy placed on the table.\*

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\* Kept in the Secretary's Office.

Mr. S. K. BOLE : In the Declaration of the Rights of the Child passed at the Genova Congress recently it is stated :

“ The child must be given the means requisite for its normal development both materially and spiritually. The child that is hungry must be fed ; the child that is sick must be nursed and the child that is backward must be helped . . . . . ”

The Honourable the PRESIDENT : What is the question ?

Mr. S. K. BOLE : In view of that declaration what action has Government taken ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Before any steps are taken careful consideration is necessary.

Mr. S. K. BOLE : Do Government intend to start a Child Welfare Fund for giving relief such as food and clothing to such children as are ill fed and ill clad ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There are several associations giving such relief, but I am not able to say whether they are giving food and clothing.

Mr. S. K. BOLE : Are those associations organized by Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They are aided by Government.

Mr. S. K. BOLE : Do Government intend to institute such a fund ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I refer the honourable member to the latest order contained in G. R. No. 5326 dated 10th August 1927.

#### CHILD WELFARE CONGRESS, GENOVA : ACTION ON RESOLUTIONS

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether they are aware of the various resolutions adopted at the Child Welfare Congress held at Genova in 1925 ;

(b) if so, what action they have taken or propose to take to give effect to the resolutions ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes, *vide* accompaniments to Government Resolution No. 5326, dated the 20th May 1926, copy placed on the table.\*

(b) Attention of the Honourable Member is invited to Government Resolution No. 5326, dated the 10th August 1927, copy placed on the table.\*

#### RAILWAY STATION AT KASUDI

Mr. DAWOODKHAN SHALEBHOY (Northern Division) : Will Government be pleased to state—

(a) whether they are aware of the fact that the President of the Timber Merchants Conference of Godhra applied to the Railway authorities for opening a station at the Inami village of Kasudi in Godhra Taluka for loading and unloading goods ;

(b) if answer to (a) is in affirmative how this application has been disposed of ;

(c) whether they are aware of the necessity for opening this station for loading and unloading ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) The Railway authorities advised the President of the Firewood and Timber Trade Association, Godhra, to consult the Collector of the Panch Mahals in the matter.

(c) The Railway authorities state that the scheme to open a station at Kasudi for goods booking involves heavy expenditure, that there is no possibility of its bringing in any appreciable return, and that it might result in a loss of revenue to the Godhra Municipality as there is a possibility of their local taxes being evaded.

#### LAND LEASES : PANCH MAHALS

DAWOODKHAN SHALEBHOY (Northern Division) : Will Government be pleased to state—

(a) whether it is a fact that the Collector of Panch Mahals leased some lands in Godhra to some merchants and other leaseholders with a condition that they should erect buildings within two years from the date of the lease ;

(b) whether it is a fact that before the expiry of this period the leaseholders applied for extension of the period but it was not given and their leases were cancelled ;

(c) whether it is a fact that the merchants applied for similar extension after the expiry of the period of two years and the Collector granted the same ;

(d) why this distinction was drawn between merchants and other leaseholders ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No. The leases, with the exception of two leases granted to merchants, were cancelled as the leaseholders in question neither erected houses on the land according to the terms of the lease within the prescribed period of two years nor applied for an extension before the expiry of that period.

(c) No. The merchants in question applied within the prescribed period, and their request was consequently granted.

(d) No distinction was drawn between merchants and other leaseholders as such.

#### SCHOLARSHIPS FOR HINDUS AND MUHAMMADANS

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) the proportion of intermediate Hindus to the total population in the presidency proper in each Division and the number of scholarships set apart for their uplift in each Division of this Presidency for each class of instruction ;

(b) similar figures for the backward Hindus and the Muhammadans ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) The accompanying statements supply the information required :—

*Professional Colleges*

Name of College or Special School	Number of scholarships set apart for			Remarks
	Intermediate Hindus	Backward Hindus	Muhammadians	
1	2	3	4	5
College of Engineering, Sydenham College of Commerce and Economics ..	15	9	9	Figures for Professional Colleges and V. J. Technical Institute are not available by Divisions. The scholarships are meant for the whole Presidency including Sind.
Law College ..	6	3	3	
V. J. Technical Institute, Bombay ..	10	6	6	
	20	12	12	

Intermediate Hindus

—	Total population of Intermediate Hindus in the Presidency proper	Population of Intermediate Hindus in each Division	Proportion to total Intermediate Hindu population	Number of scholarships set apart in		
				Primary Schools	Secondary Schools	Arts Colleges
1	2	3	4	5	6	7
Bombay Division ..	9,083,618	2,405,407	·27	..	357	32
Central Division ..		3,089,874	·34	..	427(a)	40
Northern Division ..		1,509,715	·17	.	210	20
Southern Division ..		1,988,532	·22	..	273	24

Backward Hindus

—	Total population of Backward Hindus in the Presidency proper	Population of Backward Hindus in each Division	Proportion to total Backward Hindu population	Number of scholarships set apart in		
				Primary Schools	Secondary Schools	Arts Colleges
1	8	9	10	11	12	13
Bombay Division ..	3,493,041	954,272	·26	75(b)	168	24
Central Division ..		1,243,788	·36	90	210	28
Northern Division ..		754,431	·22	75	133	20
Southern Division ..		540,550	·16	60	98	12

## Muhammadans

—	Total population of the Muhammadans in the Presidency proper	Population of Muhammadans in each Division	Proportion to total Muhammadan population	Number of scholarships set apart in		
				Primary Schools	Secondary Schools	Arts College
1	14	15	16	17	18	19
						(c)
Bombay Division ..	1,369,025	386,774	·28	..	175	20 } 12 } 8 }
Central Division ..		318,962	·23	..	147	
Northern Division ..		317,433	·23	..	154	
Southern Division ..		315,856	·26	..	161	

(a) Only some of the castes shown as "Intermediate" in the census report have been regarded as eligible for these scholarships. The number is roughly 546 and 112 scholarships only have been awarded.

(b) Scholarships in primary schools for backward classes are not distributed on a population basis.

(c) Scholarships for Muhammadans in Arts Colleges are distributed according to the population of each revenue division as shown above.

(d) These two scholarships are given only in the first year and are meant for the Presidency proper.

## SUKKUR BARRAGE : EXECUTIVE ENGINEER MR. MACARTHUR

Rao Sahab D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether Mr. MacArthur was appointed an Executive Engineer, Sukkur Barrage ;

(b) if the reply be in the affirmative what his qualifications were ;

(c) whether it is a fact that he was a railway guard before he was taken up as Executive Engineer on the Sukkur Barrage ;

(d) His pay and the period for which he has served on the Sukkur Barrage Project ?

The Honourable Sir COWASJI JEHangIR : (a) Yes. Mr. R. G. MacArthur was appointed as a Temporary Executive Engineer.

(b) Mr. MacArthur alleged to be a Civil and Mechanical Engineer and to have served his time with Messrs. Fleming and Ferguson, Paisley.

In his application Mr. MacArthur had stated that he possessed 7 years' experience in Marine Engineering, construction work and railways and had put in 3 years' service in the Marine Department under the Madras Government being in charge of a bucket ladder and sand pump dredger at Coconada Port.

(c) Government have no information on the point.

(d) He was employed on Rs. 800 per mensem in the Lloyd Barrage Circle from the 16th December 1925 to 25th October 1926 when his services were terminated.

Rao Sahab D. P. DESAI : Will Government be pleased to state why the engineer was appointed without looking into his qualifications ?

The Honourable Sir COWASJI JEHangIR : His qualifications were looked into, as stated in the reply and the qualifications are given in the reply.



Rao Saheb D. P. DESAI : But that was his own statement ; there were no certificates.

The Honourable Sir COWASJI JEHangIR : He produced his certificates, as far as I remember.

Rao Saheb D. P. DESAI : Was he a civil engineer ; did he possess any qualifications which qualified him to be employed as a civil engineer ?

The Honourable the PRESIDENT : The reply is clear that he was not.

Mr. NOOR MAHOMED : When were his services terminated : before he left the country or after he left the country ?

The Honourable Sir COWASJI JEHangIR : When he was in the country, as far as I remember

Mr. F. J. GINWALLA : Why were his services discontinued ?

The Honourable Sir COWASJI JEHangIR : I think I have answered that question before in this honourable House at some length. I cannot refer my honourable friend to the exact page and volume of the Debates, but the reply was given during the last session or the session before.

Mr. G. I. PATEL : It is stated " Mr. MacArthur alleged to be a civil and mechanical engineer ". What is the meaning of the word " alleged " ?

The Honourable Sir COWASJI JEHangIR : The ordinary meaning of the word " alleged ", namely that he professed to be a civil engineer.

Mr. G. I. PATEL : Were Government satisfied with those professions and the certificates produced by him ?

The Honourable Sir COWASJI JEHangIR : So far as I know he produced those certificates and in the usual way Government had no reason to doubt that they were forgeries, and even now I do not think we can prove that they were forgeries.

Mr. F. J. GINWALLA : Who was responsible for his appointment ?

The Honourable Sir COWASJI JEHangIR : He was appointed by Government.

Mr. W. S. MUKADAM : By what officer of the Government ?

The Honourable Sir COWASJI JEHangIR : As a matter of fact it was the Chief Engineer who interviewed him, and I happened to be at Sukkur at the time and also saw him before he was appointed.

Mr. G. I. PATEL : May I know the reason which prompted the Honourable Member to use the word " alleged " if he was satisfied with the certificates ?

The Honourable Sir COWASJI JEHangIR : Subsequently we have reason to doubt whether he had those qualifications.

Rao Saheb D. P. DESAI : Why did Government allow themselves to be cheated ?

The Honourable Sir COWASJI JEHangIR : Government are human and liable to be cheated, just as my honourable friend must have been cheated in the past.

#### MEDICAL DEPARTMENT : I. M. D. OFFICERS

Rao Sahab D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) how many officers serving in the Bombay Medical Department belong to the I. M. D. ;

(b) their length of service in the Department and the School or College in which they received their education, the degrees of any University either in this country or Europe, held by these officers ;

(c) their present posting and their salary ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) 26.

(b) and (c) The Honourable Member's attention is invited to pages 339-A, 343 and 354-355-A of the Bombay Civil List. As regards the officers mentioned at pages 339-A and 343, their length of service is as follows :—

Assistant Surgeon H. M. La Frenais	..	..	20 years.
Major R. G. Ives	..	..	33 years.
Major W. E. Kirkpatrick	..	..	32 years.
Captain J. G. Williams	..	..	27 years.

The officers received their education at the Grant Medical College, Bombay, at the Medical College, Madras, and the Medical College, Calcutta.

#### DISTRICT LOCAL BOARD, SATARA : COLLECTIONS

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state in the following form the total amount collected, either from individuals or villagers for public purposes, and that has not been spent and that now forms part of the balance of the district local board, Satara, as it stands on 1st April 1927 :—

Name of contributor (individual or villagers)	Amount received	Date of receipt	Amount collected for what purpose
—	—	—	—

The Honourable Sir GHULAM HUSSAIN : Attention of the Honourable Member is invited to the reply to his similar question at the last Session of the Council, printed at page 1491 of Part XVIII, Volume XX, of the Council Debates.

Mr. L. M. DESHPANDE : No information was supplied. Is there any difficulty in supplying the information asked for ?

The Honourable Sir GHULAM HUSSAIN : The reply is given there.

Mr. L. M. DESHPANDE : Is there any objection to furnishing the information asked for ?

The Honourable the PRESIDENT : What is the information required? The honourable member is referred to another reply.

Mr. L. M. DESHPANDE : In that reply also the information was not given ; it was stated that no definite answer could be given as the question was vague and fresh notice was necessary. Now, I am referred to that reply.

The Honourable Sir GHULAM HUSSAIN : The honourable member should consider the nature of questions put by him.

Mr. L. M. DESHPANDE : The balance of the district local board on the 1st of April 1927 is there ; what are the difficulties in giving the items that make up that balance ?

The Honourable Sir GHULAM HUSSAIN : I would refer the honourable member to the district local board.

Mr. L. M. DESHPANDE : How will they supply the information when Government are not supplying it ? (After a pause). Is the Honourable Minister not going to give any reply ?

The Honourable the PRESIDENT : The Honourable Minister does not choose to reply to the last question asked.

Mr. W. S. MUKADAM : How are we to know whether the Honourable Minister is in a mood to reply or not unless and until he says he has no reply ?

The Honourable Sir GHULAM HUSSAIN : Look at the nature of the question. Information is required about collections from individuals or villagers for an indefinite period. How are we to know : and how is the district local board to know ?

Mr. W. S. MUKADAM : Then, say that you are not in a position to reply.

Mr. L. M. DESHPANDE : Has the district local board said that they could not get the information, or is it the Honourable Minister's imagination ? I have asked the question :

" Will Government be pleased to state in the following form the total amount collected, either from individuals or villagers for public purposes, and that has not been spent and that now forms part of the balance of the district local board, Satara, as it stands on 1st April 1927 ? "

The balance is there, and I want to know how the balance is made up ?

The Honourable Sir GHULAM HUSSAIN : The question is absurd. A sum might have been collected for dispensaries several years back, but it cannot be the balance of the district local board. Somebody might have contributed something towards the play-ground of a school or for a public charity ; how could that go to the district local board's balance ? The honourable member ought to realise the absurdity of the question.

Mr. L. M. DESHPANDE : Has the district local board said like that ?

Mr. W. S. MUKADAM : May I know whether this question was sent to the district local board with a request to supply the information ?

The Honourable Sir GHULAM HUSSAIN : No.

Mr. W. S. MUKADAM : May I know the reason why this question was not sent to the district local board ?

The Honourable Sir GHULAM HUSSAIN : In order not to waste the time of the district local board.

#### MUNICIPALITIES IN SIND

Khan Saheb GULAM NABI SHAH (Thar Parkar District) : Will Government be pleased—

(a) to place on the Council table a statement containing information on the following points in regard to Municipalities in Sind :—

- (1) The total population of each Municipal District.
- (2) Hindu and Muslim population of each Municipal District
- (3) Number of Hindu and Muslim elected members.
- (4) Number of Hindu and Muslim nominated members.
- (5) Number of Hindu and Muslim Members on the Managing Committee.

(6) The religion to which the president and vice-president and chairman of the Managing Committee belong.

(7) The number of chief officers in the major municipal districts in Sind.

(8) The number of Secretaries in the minor municipal districts.

(9) The number of Muhammadan chief officers.

(10) The number of Hindu chief officers.

(11) The number of Hindu Secretaries ;  
the number of Muhammadan Secretaries.

(12) The statement of the remaining establishment with different designation of each officer in each Municipality separately :

(13) the number of Hindus in item No. 12 ;

(14) the number of Muhammadans in item No. 12 ;

(b) to state whether they have powers under the Municipal Act to regulate the establishment of the various Municipalities with a view to safeguard the interest of each community by the representation of its members on the establishment of each Municipality ;

(c) to state whether they are aware that Muhammadans have not been getting their share of office in proportion to their numbers in the past and do not still get it ;

(d) to state whether they have taken any steps to ensure the proper proportion of Muhammadans in the office establishment of each Municipality in the past ;

(e) to state whether they intend to take any steps in the matter now ?

The Honourable Sir GHULAM HUSSAIN : (a) (1) and (2), (b), (c), (d) and (e) These parts of the question have already been answered.

(a) (3) to (6) The attention of the honourable member is invited to the reply given to question No. 2 of the honourable member Mr. Jairamdas Doulatram in the last Session of the Council printed at pages 5 to 7 of the second list of questions and answers of that Session.

(a) (7) to (14) A statement which gives the information required is placed on the Council table.\*

#### GANPATI MELA SONGS, POONA

Mr. B. V. JADHAV (Satara District): Will Government be pleased to place on the Council table copies of all the songs intended to be sung by the different Melas in connection with the recent Ganpati festival in the city of Poona and submitted to the District Magistrate for his approval, with the portions disapproved marked therein?

The Honourable Mr. J. E. B. HOTSON: Copies are not kept either of the songs submitted for approval or of the portions of them cut out by the Committee.

Mr. B. V. JADHAV: Is it not a fact that the District Magistrate or the city police have kept copies?

The Honourable Mr. J. E. B. HOTSON: My reply is according to the information I have received. Neither the District Magistrate nor the committee kept copies.

#### POLITICAL PRISONERS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state--

(a) the names of prisoners now incarcerated in any jail in the Presidency who were convicted of political conspiracy or similar State offences;

(b) the year of the conviction, length of sentence passed, the length of sentence served out including remissions earned or due in each case;

(c) whether any and, if so, which of them have completed fourteen years of their life sentence including remissions;

(d) whether they intend to consider the question of releasing such of them as have thus completed fourteen years;

(e) the rule which authorises Government to release lifers before the completion of twenty years;

(f) whether Government have considered the question of transferring to their respective provinces such of the prisoners mentioned in (a) as do not belong to the Bombay Presidency?

The Honourable Mr. J. E. B. HOTSON: If the honourable member will be good enough to specify the sections of the Indian Penal Code

convictions under which he intends his question to cover, enquiries will be made.

#### ANCIENT MONUMENTS : BUILDINGS IN SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to place on the Council table a list of buildings in Sind which are protected under the Ancient Monuments Act ?

The Honourable Sir COWASJI JEHANGIR : The accompanying statement \* furnishes the information required by the Honourable Member.

#### BOMBAY LEGISLATIVE COUNCIL AND LOCAL BOARDS : MUSLIM AND NON-MUSLIM VOTERS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the number of Muslim and non-Muslim voters (separately) in each municipal area in Sind for municipal and Council elections (separately) ;

(b) the number of Muslim and non-Muslim voters (separately) in each district local board area for district local board, taluka local board and Council elections (separately) ?

The Honourable Mr. J. E. B. HOTSON : A statement giving the information required by the honourable member for Eastern Sind, as regards Council elections is laid on the Council table. Information regarding other elections will be supplied later when ready.

*Statement showing the number of Muslim and non-Muslim voters for the Bombay Legislative Council elections in the municipal and district local board areas in Sind*

Name of the municipal area	Number of voters		Name of the District Local Board area	Number of voters	
	Muslim	Non-Muslim		Muslim	Non-Muslim
Hyderabad .. ..	5,566	12,454	Hyderabad District ..	6,755	1,650
Hala .. ..	268	326			
Matlari ..	373	289			
Tando Allahyar ..	144	301			
Nasarpur ..	254	163			
Tando Muhammad Khan ..	125	330			
Karachi City .. ..	8,330	18,057	Karachi District ..	3,710	847
Tatta .. ..	173	451			
Kotri .. ..	118	376			
Manjhand .. ..	13	80			
Keti Bunder .. ..	16	60			

\* Kept in the Secretary's Office.

Name of the municipal area	Number of voters		Name of the District Local Board area	Number of voters	
	Muslim	Non-Muslim		Muslim	Non-Muslim
Larkana .. ..	754	1,565	Larkana District ..	9,080	3,373
Kambar .. ..	281	467			
Ratodero .. ..	288	541			
Sehwan .. ..	81	226			
Bubak .. ..	117	157			
Sukkur .. ..	898	3,228	Sukkur District ..	5,542	2,210
Shikarpur .. ..	2,515	8,462			
Garhi Yasin .. ..	68	337			
Rohri .. ..	302	908			
Ghotki .. ..	87	230			
Mirpurkhas .. ..	265	844	Thar Parkar District ..	4,143	1,618
Umarkot .. ..	67	372			
Tando Adam .. ..	116	1,384	Nawabshah District ..	6,192	3,400
Shahdadpur .. ..	209	658			
Jacobabad .. ..	471	1,058	Upper Sind Frontier District.	3,517	669

#### ANNA VALUATION, DHARWAR DISTRICT

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) what is the anna valuation of crops for the year 1926-27 in the Talukas of Navalgund, Hubli, Karajgi, Dharwar and Kalghatgi and in the Petha of Nargund of the Dharwar District as made by the Panch, village officers, Mamlatdars and Prant officers;

(b) what is the principle of this anna valuation as observed by these various persons. Is the anna valuation based on the quantity of the yield or the price of the yield?

The Honourable Mr. J. L. RIEU: (a) A statement containing the required information is placed on the Council table.\* No detailed valuation of the crops was made in Kalghatgi taluka and in some villages of Dharwar taluka, as the annewari was above six annas.

(b) The anna valuation was in all cases based on the estimated outturn and not on the price of the yield.

#### MAYANI TANK LANDS : LEASE

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(a) whether they are aware that the Mayani tank in the Satara district is without any water from December to June;

\* Kept in the Secretary's Office

(b) whether they are aware that the land in the tank during those months used to be let to the surrounding ryots at the rate of Rs. 8 per acre and that this used to bring nearly Rs. 1,600 at the above rate to Government ;

(c) why similar leases were not granted for the current year, and who is responsible for the loss thus caused ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) This concession is granted only when there is scarcity of fodder and the Collector certifies that such a concession is called for by the circumstances of the year.

(c) It is not desirable to plough up the tank bed, as it causes proportionately more silt accumulation in the deepest portion towards the dam and disturbs the upper impervious layer of fine silt thus causing more absorption and consequent leakage. The tank bed is not therefore given out for cultivation unless there is scarcity of fodder due to failure of rain. During the current year there was no such scarcity of fodder and hence the tank bed was not given out for cultivation.

Rao Bahadur R. R. KALE : May I know why similar licenses were not granted for the current year ?

The Honourable Sir COWASJI JEHangIR : The answer is as printed. It is only when there is scarcity of fodder that such licenses are granted. That is the principle involved.

#### TECHNICAL SCHOOLS

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City) : Will Government be pleased to state—

(a) whether they had received any application for starting Technical Schools to teach hand-weaving, dyeing and allied industries ?

(b) if so, what action they are taking in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) There is no such application pending. The honourable member probably refers to an application made in September 1925, by the Chairman, District Weavers' Union, Sholapur, to maintain permanently the sizing, weaving and dyeing demonstrations set up there.

(b) A sizing demonstration has been working in Sholapur since October 1924. A dyeing demonstration was conducted there from February 1925 to March 1926. The Weaving demonstrations are peripatetic institutions and when the improvements they demonstrate have been explained in one weaving centre they move on to another centre. The work in Sholapur has been very successful and there will be no objection to transferring the sizing demonstration to another centre in due course.

#### N. J. HIGH SCHOOL, KARACHI : URDU CLASSES.

Mr. HAJI MIR MAHOMED BALUCH (Karachi City) : Will Government be pleased to state—

(a) whether they are aware that the Sind Madressah-Tul-Islam and the Karachi Academy High School are the only two institutions



in Karachi providing special facilities for Muslim students and maintaining Urdu classes also to attract Muslim students with Urdu as their vernacular ;

(b) whether it is a fact that maintaining Gujarati, Urdu and Sinhi classes for Muslim students, the Sind Madressah authorities do not find it possible, for want of accommodation to admit all Muslim students seeking admission ;

(c) in view of these difficulties, is Government considering the question of opening Urdu classes in the N. J. High School ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Besides the two schools referred to there is an arrangement for the teaching of Urdu in L. R. D. Anglo-Vernacular School and Khalsa Anglo-Vernacular School, managed by the Arya Samajists and Sikhs, respectively.

(b) The Sind Madressah is, no doubt, overcrowded but so far no Muslim boy has been refused admission in the Sind Madressah for want of accommodation.

(c) From the replies given to (a) and (b) above it will be seen that the difficulties are not so great as depicted, and in any case it is not possible for Government to open Urdu classes in the N. J. High School as the requisite accommodation is not available in the school.

Mr. HAJI MIR MAHOMED BALOCH (addressing the House in Urdu : asked) : Are Muhammadans admitted into the schools maintained by the Arya Samaj ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Mr. HAJI MIR MAHOMED BALOCH : Are there any students in the schools of the Arya Samaj ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I will ask for notice of this question.

Mr. HOOSEINBHOY A. LALLJEE : Are Government aware that the activities of the Arya Samaj are against the Islamic religion ?

The Honourable the PRESIDENT : The question does not arise at all.

Mr. HAJI MIR MAHOMED BALOCH : Are Government aware that in Karachi city there is difficulty as regards the admission of Muhammadan boys in those schools ? What steps have Government taken in this matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No boy has been refused admission and consequently no steps are required to be taken. If the honourable member will give me the names of boys who have been refused admission then enquiries will be made.

Mr. HAJI MIR MAHOMED BALOCH : I will give the names. But I want to know what steps Government have taken in regard to the overcrowding in the schools and the consequent difficulty of admitting boys in those schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The difficulty about accommodation has not yet been brought to the notice of Government.

#### GOVERNMENT SERVANTS : PENSION RULES.

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) whether the question of the revision of the present pension rules applicable to subordinate Government servants is engaging the attention of this Government ;

(b) whether they have submitted their views on the subject to the Government of India ?

The Honourable Sir CHUNILAL MEHTA : (a) Yes.

(b) No.

Mr. P. R. CHIKODI : In view of the fact that the local Government has been given full powers for the framing or revision of these rules I should like to know what the reasons are for delaying the matter ?

The Honourable Sir CHUNILAL MEHTA : As the House will remember in reply to a question put by the honourable member from Hyderabad, Sind, I stated that the local Governments were asked to meet in Delhi in November to examine the various rules. I believe that the meeting will be held in November for this purpose.

Mr. P. R. CHIKODI : Will the revised rules be brought into effect from the next financial year ?

The Honourable Sir CHUNILAL MEHTA : I hope so. I think that by that time something will be done in the matter.

#### TEXTILE INDUSTRY : COTTON, TOWN DUTY

Mr. J. B. PETIT (Bombay Millowners' Association) : Will Government be pleased to state—

(a) whether they propose to reduce the town duty on cotton consumed by mills from Re. 1 to annas 8 per bale as recommended by the Textile Tariff Board in paragraph 66 of their report ;

(b) if the reply to the above be in the negative, how they propose to meet the contention of the Tariff Board that it is not equitable that the cotton industry in its present depressed condition should be expected to finance Bombay municipal and suburban development schemes ?

The Honourable Sir COWASJI JEHangIR : The recommendation made by the Indian Tariff Board (Cotton Textile Industry Enquiry) in paragraph 66 of their report is under the consideration of Government.

Mr. J. B. PETIT : When do Government expect to come to a decision ?

The Honourable Sir COWASJI JEHangIR : I cannot say exactly.

**Mr. G. I. PATEL:** Has the attention of Government been drawn to the fact that this is a matter in which the Bombay Municipal Corporation is also interested and in view of that do they not think it necessary to take the initiative and declare their attitude earlier on the question?

**The Honourable Sir COWASJI JEHangIR:** Any decision that we may come to will have to be in consultation with the Municipal Corporation. My honourable friend knows the circumstances in which this tax was imposed and therefore if any relief is to be given to the mills it can only be done I believe in consultation with the Municipality.

**Sir VASANTRAO DABHOLKAR:** Sir, I want to ask Question No. 1 of the honourable member Mr. H. M. Rahimtoola.

**The Honourable the PRESIDENT:** I do not know on what authority the honourable member Sir Vasantao asks the question of Mr. Rahimtoola. Mr. Hooseinbhoi Abdullabhoi Lalljee has got the authority to put his question.

#### GOVERNMENT SERVICE : RECRUITMENT OF BACKWARD AND MUHAMMADAN COMMUNITIES

**Mr. HOOSEINBHOY ABDULLABHOY LALLJEE** on behalf of **Mr. HOUSENALLY M. RAHIMTOOLA** (Bombay City): Will Government be pleased to state—

(a) to what extent (giving figures wherever possible) effect has been given to Government Resolution of 1925 whereby they have prescribed a minimum percentage of recruitment from members of the backward communities to the public services;

(b) the number of vacancies that have been filled since the above resolution;

(c) the number of members of the backward communities that have been appointed;

(d) the number of Moslems that have been appointed.

**The Honourable Sir CHUNILAL MEHTA:** The information has been called for.

**MOULVI RAFIUDDIN AHMAD:** May I know when this question was sent? I think it is a long standing question.

**The Honourable Sir CHUNILAL MEHTA:** As far as I remember the question was sent only during this session and as the honourable member can see it will take some time to collect the information from the various places.

#### HORSE RACING, KIRKEE GYMKHANA

**Mr. H. B. SHIVDASANI** (Surat District); Will Government be pleased to state—

(a) whether a license for Horse-racing was granted to the Kirkee Gymkhana;

(b) if so, when.

(c) whether this licence was published in the *Bombay Government Gazette* ;

(d) whether this licence included power to run a totalizator, book-makers and a sweepstake ;

(e) whether these were open to the public ;

(f) whether the races, totalizator and sweepstake were advertised by placards openly and publicly ;

(g) whether they are aware that this action of the Kirkee Gymkhana was illegal.

(h) what steps they have taken in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) The last license was granted on 20th June 1927 for the period 1st July 1927 to 30th June 1928.

(c) Yes.

(d) The license allows the working of a totalizator.

(e) The totalizator is to be worked within the Race Course which is open to the public.

(f) Yes.

(g) The action of the Kirkee Gymkhana Club in advertising the sweepstake was illegal.

(h) The Kirkee Gymkhana Club has been warned against a repetition of the offence.

Mr. H. B. SHIVDASANI : With regard to (h) why were no steps taken ?

The Honourable Mr. J. E. B. HOTSON : A warning was considered sufficient.

Mr. H. B. SHIVDASANI : Was it not a serious offence ?

The Honourable Mr. J. E. B. HOTSON : No, it was not ; nobody realised that it was an offence at all.

Mr. H. B. SHIVDASANI : Have not other people been prosecuted and convicted for the same offence ?

The Honourable Mr. J. E. B. HOTSON : Certainly but under very different circumstances.

Mr. F. J. GINWALLA : When was the first license granted ?

The Honourable Mr. J. E. B. HOTSON : I want notice of that question.

#### PRIMARY SCHOOLS GUJARAT : ADMISSION OF DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state —

(a) the number of primary schools existing in the local board area of all the districts of Gujarat ;

(b) how many of these schools freely admit the children of the depressed classes in their class rooms and how many do not ;

(c) whether Government intend taking steps against those schools which do not admit these children ;

(d) what steps Government intend to take to put a stop to this practice ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The number of primary schools managed by the District Local Boards in the Districts of Ahmedabad, Kaira, Panch Mahals, Broach and Surat of the Northern Division was as under in the year 1925-26 :

Boys' primary schools	..	..	1,425
Girls' primary schools	..	..	186
			<hr/> 1,611

(b) All schools except 6 schools in the Surat District.

(c) Not as at present advised.

(d) Does not arise in view of the answer to clause (c).

Dr. P. G. SOLANKI : May I know from the Honourable Minister whether these six schools are exempt from the resolution of Government?

The Honourable Dewan Bahadur HARILAL D. DESAI : These primary schools are under the local authority under whose guidance they work.

Mr. N. A. BECHAR : Is it not a fact that if a local authority or the manager of the school refuses to admit the children of depressed classes Government can stop contributing its share of the expenditure ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is the resolution of Government.

Mr. N. A. BECHAR : Has any action been taken on that resolution ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

Mr. W. S. MUKADAM : May I know if separate schools are there at these places for the depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot answer this question with confidence off-hand.

Dr. P. G. SOLANKI : Why should not Government take action against these six schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government so far as I am advised do not consider the time is fit for effecting social revolutions by the power which they possess.

Mr. S. K. BOLE : The Minister says "I have been advised". By whom ?

The Honourable Dewan Bahadur HARILAL D. DESAI : My own advice.

Rao Bahadur B. R. NAIK : Is the Honourable Minister aware that in two of those six schools mentioned they were willing to take the children of the depressed classes, but that they were not willing to sit with the children of the advanced classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am prepared to take what the honourable member says. He is the president of the district local board.

Dr. P. G. SOLANKI : Am I to understand that the children of the depressed classes are unwilling to sit with the children of the advanced classes ?

Rao Bahadur B. R. NAIK : It is a fact about the two schools. I know it myself.

Mr. JAIRAMDAS DOULATRAM : Can we put questions to private members ?

The Honourable the PRESIDENT : Yes.

Rao Bahadur B. R. NAIK : Will the honourable member take it from me that two out of the six villages were quite willing to allow the children of the depressed classes—one of the assistants was with me, an Assistant Deputy,—he was running after the boys and trying to put them into the school, and yet they did not like to sit with the children of the advanced classes.

Dr. P. G. SOLANKI : Did the honourable member Rao Bahadur Bhimbhai Naik enquire about the causes of the depressed class children not going to school ?

Rao Bahadur B. R. NAIK : I have enquired.

Dr. P. G. SOLANKI : What was the cause ?

Rao Bahadur B. R. NAIK : That I cannot say.

Mr. S. K. BOLE : Was a threat given privately to the children of the depressed classes ? (Laughter).

The Honourable the PRESIDENT : Next question.

#### SCHOLARSHIPS RESERVED FOR DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state the exact number of scholarships reserved by the Government Education Department for the boys and girls of the depressed classes in primary, secondary, technical and arts schools and in arts and professional colleges in the Bombay Presidency ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There are at present no Government special scholarships reserved for the depressed classes exclusively. The scholarships originally meant for "Depressed Classes" have now been merged in the scholarships for "Backward Classes" which include Untouchables and Depressed classes. Information regarding these Backward class scholarships is given in the accompanying statement.

*Statement showing information regarding scholarships reserved  
for Backward Classes (including untouchables and  
Depressed Classes) in Educational Institutions in the  
Bombay Presidency*

Institutions	Number of Scholarships	Remarks
1. Primary Schools ..	300	100 each at the rate of 5 per each district in the Presidency proper and Bombay City (including Bombay Suburban District) and tenable in standards V to VII of Primary schools.
2. Secondary Schools ..	644	To be awarded at the rate of 92 per annum and tenable for seven years of the Secondary school course.
3. Arts Schools ..	Nil.	
4. V. J. Technical Institute ..	12	To be awarded at the rate of 3 per annum and tenable for four years.
5. Arts Colleges ..	90	To be awarded at the rate of 22 per annum and tenable for four years of the arts course plus 2 more in the First Year course.
6. Engineering College ..	9	To be awarded at the rate of 3 per annum and tenable for three years.
7. College of Commerce ..	3	To be awarded at the rate of 1 per annum and tenable for three years.
8. Law College ..	6	To be awarded at the rate of 3 per annum and tenable for two years.

Dr. P. G. SOLANKI : Does the Honourable Minister for Education know that the scholarships which are meant for the depressed classes are used for the intermediate classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If there are not enough students of the depressed classes, then certainly they go to the other classes.

Dr. P. G. SOLANKI : From what source does the Educational Department come to know that there are no depressed class students ?

The Honourable Dewan Bahadur HARILAL D. DESAI : From the examination results and the applications.

Dr. P. G. SOLANKI : I mean candidates for the scholarships, candidates waiting for the scholarships. Here I hear that in the absence of candidates of the depressed classes, the scholarships are given to intermediate classes.

The Honourable Dewan Bahadur HARILAL D. DESAI : If students do not choose to apply, then certainly their case cannot be considered, but they are not intentionally omitted.

Mr. N. A. BECHAR : The applications are already there, and still the department gives the scholarships to others.....

The Honourable Dewan Bahadur HARILAL D. DESAI : What is the question ?

The Honourable the PRESIDENT : The question is : Is it a fact that there are applications ?

The Honourable Dewan Bahadur HARILAL D. DESAI : So far as I know, there are no applications.

MOULVI RAFIUDDIN AHMAD : Is the Honourable Minister aware that free studentships reserved for depressed or backward classes are, by Government resolution, not to be given to members of the advanced classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : How does that question arise ?

MOULVI RAFIU DDIN AHMAD : Because these scholarships which are reserved for the depressed classes should not be given to the advanced classes.

The Honourable Dewan Bahadur HARILAL D. DESAI : Whether the money saved from the scholarships of the depressed classes should be utilised for other purposes, is a question which concerns only the Government.

Mr. J. C. SWAMINARAYAN : It is for the Director of Public Instruction to find out whether there are any depressed class candidates or applications.

The Honourable Dewan Bahadur HARILAL D. DESAI : What I have stated is the result of what I have found out.

Mr. N. A. BECHAR : May I know whether scholarships reserved for depressed classes were merged in the scholarships for backward classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They are all merged together and treated as one class, and, therefore, they have been merged into one.

Mr. N. A. BECHAR : No : they are in these parts merged in the backward classes, but in Gujarat and elsewhere they are shown separately as depressed classes.

The Honourable Dewan Bahadur HARILAL D. DESAI : What the honourable member means by "these parts," I do not know.

Mr. N. A. BECHAR : I mean the Maharashtra and the Karnatak. I understand, Sir, from the census that the depressed classes are grouped together amongst backward classes in the Karnatak and Maharashtra. But, so far as Gujarat is concerned, they are shown separately.

The Honourable Dewan Bahadur HARILAL D. DESAI : The classification for the Educational Department is not the classification for the census report. There is a different classification for the Educational Department.

Mr. N. A. BECHAR : Is it or is it not a fact, Sir, that the depressed classes are very much backward in education, and in order that they may come forward they should be given special facilities ?

The Honourable the PRESIDENT : That is a suggestion for action, rather than a question.



Dr. P. G. SOLANKI : Do Government know that the merging of the depressed classes into the other classes is detrimental to the interests of the depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not that I know of.

#### MEDICAL SERVICES : LEE COMMISSION REPORT

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they have framed any rules for recruitment to the Bombay Medical Service as per recommendations of the Lee Commission Report ;

(b) if so, will they place the rules on the Council Table ;

(c) if not, when will they frame definite rules ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The matter is under consideration.

Mr. SYED MUNAWAR : May I know how long will Government take to consider the report of the Lee Commission ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government are awaiting the orders of the Secretary of State.

Mr. N. A. BECHAR : But certain recommendations of the Lee Commission have already been given effect to in the matter of granting additional salaries to I.C.S. and I.M.S. Officers. I want to know what steps Government intend to take in order to expedite the decision on the question affecting the Indian servants of the services.

The Honourable Dewan Bahadur HARILAL D. DESAI : This Government has been sending constant reminders to have the orders expedited.

#### KARACHI MUNICIPALITY BILL

Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that a draft bill intended to provide a separate Act for the Karachi municipality was sent to the municipality concerned in April 1925 for their consideration and recommendation ;

(b) whether it is a fact that a special sub-committee appointed by municipality to consider the bill in every detail made its report in March 1926 but for some reason or other its consideration is delayed in the municipal corporation ;

(c) whether it is a fact that on account of inordinate delay the Collector of Karachi has been repeatedly sending reminders to the municipality to expedite the matter and that in spite of the President's promise to the Collector every time that the consideration of the bill will be over in a month or two, no final decision has been arrived at ;

(d) whether it is a fact that over fifteen members sent a representation to the President deploring the delay and requesting that he might

kindly either call a special meeting once every week to consider the bill or to allot a definite time for this purpose at every meeting without any result so far;

(e) whether there is provision fixing a time limit within which the municipality should submit its observations on the bill;

(f) what steps they propose to take to put this bill on the statute book without any further delay;

(g) whether there is any precedent where a municipality has taken and been given by Government two and a half years to offer observations on a measure of this kind;

(h) if not, why so much time is given to the Karachi municipality ?  
The Honourable Sir GHULAM HUSSAIN :

(a) Yes.

(b) Enquiry is being made.

(c) Yes.

(d) Enquiry is being made.

(e) No such time limit is prescribed by law, but it is open to Government to prescribe a limit for receiving opinions on any particular bill.

(f) The municipality has often been asked to submit its views on the provisions of the bill and will be asked again to do so.

(g) No.

(h) As the Karachi Municipality is the body most affected by the Bill, Government do not intend to proceed with it unless they receive the considered views of that body on its provisions.

Mr. N. A. BECHAR : May I know if the Government will consider the advisability of introducing the bill for the first reading in order to give a most effective notice to the municipality to submit its report or its observations in time for the purpose of dealing with this matter ?

The Honourable Sir GHULAM HUSSAIN : Government will be only too happy to do so if the House so desires.

Mr. N. A. BECHAR : How is the sense of the House to be expressed on this question ?

The Honourable Sir GHULAM HUSSAIN : Otherwise, the honourable members will say that Government are interfering unnecessarily with the municipality.

Mr. N. A. BECHAR : Is it not desirable to give notice to the municipality to submit its report immediately because the select committee will have got three or four months' time to consider same ?

The Honourable Sir GHULAM HUSSAIN : I am willing if the House desires.

### SUPPLEMENTARY GRANTS.

Purchase of anti-rinderpest serum, Sind Veterinary Department.

The Honourable Sir GHULAM HUSSAIN : Sir, I move a demand for Rs. 4,000 from 47-Miscellaneous Transferred to 34-Agriculture. The reasons for this demand have been given in the Note\*. A provision of Rs. 6,000 was made in the current year's budget for the purchase of

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sera for the Civil Veterinary Department in Sind, but owing to the widespread outbreaks of rinderpest and other cattle diseases in the Nawabshah, Larkana, Sukkur and other districts, a large quantity of sera had to be used, and the budget provision was nearly all consumed. Therefore, a supplementary demand is moved to meet the necessary expenditure.

Question proposed.

Mr. B. V. JADHAV : I support the demand.

Mr. L. M. DESHPANDE (Satara District) : Sir, I rise to a point of order. This demand is made on a date when the business of the bills should have been taken up. The day for grants is to be fixed by the Governor as stated in Rule 29. A day is not so fixed and so this demand cannot be taken up to-day.....

The Honourable Sir COWASJI JEHANGIR : That applies to the Budget.

The Honourable the PRESIDENT : That is meant for the budget, and the Honourable the Leader of the House is within his own discretion to readjust the business of Government as he likes.

Mr. L. M. DESHPANDE : Rule 32 (3) lays down that the supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.

The Honourable the PRESIDENT : That is for the budget discussion that allotment of days is made. The supplementary demands are to be treated like the budget only as regards the manner of procedure in this House.

Dr. M. K. DIXIT : Is not the fixing of days part of the procedure ?

The Honourable the PRESIDENT : Not for the House.

Question put

“that Rs. 4,000 be transferred from 47-Miscellaneous (Transferred) to 34-Agricultures and carried.

Additional grant for refunds under 7—Stamps.

The Honourable Mr. J. L. RIEU : Sir, I move for the re-appropriation of Rs. 1,11,500 from 47-Miscellaneous to 7-Stamps\*. The need for this demand arises from the fact that the stamp duty on cheques and drafts was abolished with effect from the 1st July 1927 and that it is consequently necessary to make heavy refunds. We must, therefore, provide the Superintendents of the Stamp Depôts at Bombay and Karachi with additional funds to meet these demands.

Question put and carried.

† Completion of (1) mhowra godown and (2) spirit store at the Nasik Distillery.

The Honourable Mr. G. B. PRADHAN : Sir, I move that Rs. 31.166 be added to 6-Excise and should be deducted from 41-Civil Works. It is merely an accounts entry. The honourable House is aware that the

[Mr. G. B. Pradhan]

distillery at Nasik is a commercial transaction and under the new orders accounts have to be kept on commercial basis. This provision was made under Civil Works but it is now to be transferred to 6-Excise and the accounts have to be readjusted accordingly.

Question proposed.

MOULVI RAFIUDDIN AHMAD : I support the demand.

Question put and carried.

### *Expenditure on Famine Relief*

The Honourable Mr. J. L. RIEU : Sir, I move for a reappropriation of Rs. 1,80,507 from 43-B, Transfers to Famine Insurance Fund, to 43-A, Famine Relief.

The details of the expenditure under this demand are fully given in the statement\* accompanying the demand and I have no remarks to make except with regard to the last item, which is expenditure in connection with the storage of grass fodder at Palghar, Godhra and Dohad, Rs. 1,47,207. With regard to this, I should like to remind honourable members that a short time ago the House sanctioned the termination of a contract for the storage of grass in the Khandesh district, namely, at Nawapur, Chinchpada and Khandbara. At that time it was under contemplation to terminate a similar contract for the storage of grass at Palghar and in the Panch Mahals district, but the question was further investigated and it was found that it would not be profitable to terminate this contract, as Government stood to lose a great deal more by having to pay compensation to the contractors than by continuing the contract for the remaining three years of its currency. The essential difference between this contract and the one which has already been terminated is the fact that there is a good demand in the Bombay market for the grass stored at Palghar and in the Panch Mahals district and therefore, Government do not stand to lose in the same manner that they stood to lose in the case of Khandesh grass, which was a very inferior quality and which had a long lead to Bombay with the consequence there was very little demand for it.

Question put and carried.

† Construction of a bandhara at Hated in the West Khandesh Division.

The Honourable Sir GHULAM HUSSAIN : Sir, I move a demand of Rs. 4,800. It is only a formal transfer from Famine Relief to 41-Civil Works.

Question put and carried.

*Expenditure on Famine Relief Works in the Southern Division.*

The Honourable Mr. J. L. RIEU : Sir, I move for re-appropriation of Rs. 48,970 from 43-B, Transfers to Famine Insurance Fund, to 43-A, Famine Relief. The reason for this demand is that in consequence of the scarcity that exists in the Bijapur district and the eastern portions of Belgaum and Dharwar districts it was necessary to provide

[Mr. J. L. Rieu]

employment for the people and it was considered that the best means of doing this was to undertake certain road works, either repair works or new construction works, which would give the desired employment. Full details are given in the statement\* regarding the nature of these works. The demand I am making refers only to the expenditure that will be incurred during this year. It leaves works very largely incomplete, but that does not mean that there will be any loss, because these works are undertaken in sections and therefore, if any section of a road is improved or freshly constructed, it is so much to the good.

It is only this portion of the expenditure that will be debited against the famine insurance fund, as it is necessitated by the special scarcity conditions existing in these districts. When the works are continued, they will, unless there are again scarcity conditions necessitating their being taken up, be debited against the Civil Works budget.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, it is a very good thing that these works were taken in hand for affording relief in famine times, and it is but proper that this expenditure should be incurred. With regard to all the works mentioned here notes have been appended, and in those notes they have been described as important works. But I do not know why a note has been added, namely "If it is decided to complete any of these works....." If these works are not to be completed, what was the use of starting them? I should like to know whether Government have decided to complete these works. If they have, it is all right, and this expenditure is very proper, but from the note their completion appears to be doubtful. I should like the point to be elucidated by the Honourable the Revenue Member.

The Honourable Mr J. L. RIEU : Sir, I should have thought that the remarks which I made in introducing the demand had sufficiently supplied the honourable member with the information which he now asks. I explained in detail that these works would not otherwise have been taken up, that they were taken up in view of the scarcity conditions prevailing, that the cost of so much of the work as would be done this year would be debited against the Famine Insurance Fund and that there would be no loss resulting from this procedure because road work is taken up in sections, and that the question of ultimately completing the works must depend on the provision of further funds.

Question put and carried.

Expenditure due to floods.

The Honourable Sir GHULAM HUSSAIN : Sir, I move for a demand† of Rs. 1,15,000 by re-appropriation from 47-Miscellaneous (Transferred) to 41-Civil Works, partly Reserved and partly Transferred.

Owing to the recent floods, damage has been done to provincial roads and buildings in Gujarat and Sind, as the details in the note show. For this year, therefore, an amount of Rs. 3,50,935 was necessary to put

\* Appendix 10.

† Appendix 11.

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these buildings and roads in good order. An amount of Rs. 2,35,935 was made available by savings from the expenditure in the department and from the reserve of Government under the head 41-Civil Works. The balance of Rs. 1,15,000 is the supplementary demand that I move just now, to be reappropriated from 47-Miscellaneous Transferred for this purpose. I hope the Council will grant the demand.

Question proposed.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I will take just one minute of the time of the Council. I want to have some information from the Honourable Minister. I would request him to let me know whether he can give any information with regard to the roads in Sind which are under repairs. My information is that up to a few days ago some of the roads were in a very bad condition, particularly the road from Tando Bago to Talhar.

The Honourable Sir GHULAM HUSSAIN : I cannot give details about the roads, but I have told the House that Rs. 32,500 will be spent on the provincial roads in Sind, which are very few.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I would like just to ask for some information about Gujarat. The Honourable Minister is already aware that the roads in Gujarat have also played their part in increasing the calamity on account of the floods. The roads obstructed the flood waters, and they were responsible, to some extent, in sweeping away the houses in villages. Now, I want to know whether he is going to issue instructions to his executive engineers to construct culverts at all the places where the roads were breached, in order to ensure for the future that the floods may not overflow the low lying areas. The roads are a sort of embankments and very few culverts are provided on the Public Works roads. It is with this view that I ask this information from the Honourable Minister whether he is prepared to issue instructions to his executive engineers to construct culverts also, and whether there is provision in this amount of Rs. 1,15,000 for the construction of culverts.

The Honourable Sir GHULAM HUSSAIN : Looking to the tall order of my honourable friend from Kaira, the number of culverts, as he says, must be very large, if I understand him rightly. General orders will be issued to the executive engineers to try, as far as possible, out of the money at their disposal, to build some of the culverts. But of course they cannot be expected to build every one of the very large number of culverts that might be required.

Mr. P. R. CHIKODI : Can you give us the estimate now ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member desires that this money should be diverted to other purposes.....

Rao Saheb D. P. DESAI : It is not my desire to divert the moneys for other purposes, but as it is mentioned that the amount is required for the repair of roads, I just say that while repairing the roads this

[Rao Saheb D. P. Desai]

point should not be ignored, and culverts should also be constructed on the roads.

The Honourable Sir GHULAM HUSSAIN : I have no idea of the number of culverts. How can I give that information now ? There may be a thousand and one culverts required, but you cannot provide for them out of this amount.

Rao Saheb D. P. DESAI : Can you not issue instructions to your subordinates just to see that in future the roads may not be.....

The Honourable Sir GHULAM HUSSAIN : I am most willing to do it provided the Council gives me the money. I will give them the finest roads in India and the best bridges and culverts, provided I get the money.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu) : Sir, this amount is asked for for the purpose of repairing bungalows. (An Honourable Member : It is for all the provincial buildings.) It may be so. But my experience of Sind tells me that large amounts are being spent annually on bungalows, while the condition of the roads is very bad. After the recent floods the condition of the roads has gone worse and it is not treated in the same way as Gujarat in this respect. The Honourable Minister who comes from Sind ought to have taken the opportunity of visiting the flood stricken parts, which would have convinced him of the necessity of restoring the roads and repairing the havoc caused by the recent floods. I consider that the expenditure that is being incurred year after year is a mere waste, when the urgent requirements of the public have not been met.

The Honourable Sir GHULAM HUSSAIN : Sir, I feel as much as the honourable member who just preceded me for the flood stricken and famine stricken areas of Sind. Though I have not gone to Sind myself, I have inside the Government fought the battles of Sind in order to secure for it equal treatment with Gujarat. I am going to Sind on tour after the Council session, and I propose to visit every flood stricken part of Sind. The honourable member suggested that the bungalows of the officers need not be repaired and they can go out on horses or in bullock carts or something like that. But I wish to inform the honourable member that this money is not required for the repair of bungalows only, but also for the repair of court houses, cutcheries, provincial buildings and so on. If I follow the advice of my honourable friend, I am afraid the court houses will fall down, which will interfere with the administration of justice, the hospitals will fall down, which will result in the turning out of sick people, and thanas will fall, which will result in the policemen not being able to hear complaints for want of a shelter (interruption). It is very easy to play to the gallery, but it will be a policy of penny wise and pound foolish. He says 'Do not spend two lakhs'. If we do not spend this money in time, what will be the result ? Buildings worth crores of rupees and roads on which we have spent crores will become altogether useless, and Government will have again

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to incur an expense of crores of rupees in reconstructing them. I hope therefore honourable members will sanction the amount in view of the explanation I have given.

Question put and carried.

The Honourable the PRESIDENT: The Honourable Minister's reference to the honourable member playing to the gallery was inadvisable and should not be made.

Additional funds required for the Back Bay Scheme.

The Honourable Sir COWASJI JEHangIR: Mr. President, I rise to ask for a supplementary grant\* of Rs. 6,45,000 to be added on to 59, Bombay Development Scheme. We have distributed to honourable members a lengthy note explaining the reasons for this demand. But with the permission of this House I will take the liberty of very briefly summarising this note in case some honourable members have not read it. There is an excess of Rs. 9,61,000. There is also a saving of Rs. 3,16,000 making a deficit of Rs. 6,45,000. The main items which go to make up this excess of Rs. 9,61,000 are as follows:

There is a provision in this supplementary demand for Rs. 4,51,000 for the dredger *Jinga*. The *Jinga* was purchased by Government in the beginning of 1925 for Rs. 1,37,000, provision for which was then included in the budget which was sanctioned by the Council. It was purchased on the recommendation of the Consulting Engineers who wrote to Government a letter dated the 15th December 1924 as follows:

Mr. G. I. PATEL: For how many years was it used before it was purchased?

The Honourable Sir COWASJI JEHangIR: If honourable members will kindly allow me to continue they will then be able to ask their questions in their speeches and I trust we shall be able to give all the information they may require.

I will now quote the letter of the Consulting Engineers:

"In Back Bay for work in conjunction with the "*Kalu*" an intermediate Boosting station is an absolute necessity; and we obtained a quotation from Messrs. Simons and Company for a complete plant, the cost of which delivered in Bombay amounts to Rs. 25,00,000; but we think that a plant can be contrived at a much cheaper rate, and we recommend that negotiations be opened for purchase of the *Jinga* subject to inspection of the machinery by a competent Marine Engineer. Assuming that the inspection is satisfactory and that the *Jinga* can be purchased for not exceeding £12,000, we estimate the complete booster plant should be installed for not exceeding Rs. 10,00,000."

On this recommendation the *Jinga* was purchased for not £12,000 but for £10,000 which came to Rs. 1,37,000. I may here mention that the original proposal was to dismantle the *Jinga* and to renew the pumps, machinery, etc., on new pontoons. But when the hull was examined by



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an expert he came to the conclusion that it would be cheaper to recondition the hull as he found it in better condition than was anticipated, when the *Jinga* was bought. Government decided to recondition the hull on the advice I have just now mentioned and to spend Rs. 5,40,000 on it. Since then, the estimate of Rs. 5,40,000 has been increased by Rs. 2,98,000. The reasons for the increase are mentioned in this note. To summarise them shortly, they are as follows. After dismantling the engines, boilers and machinery, it was however discovered that a number of internal members of the hull were in a very much worse state than was originally anticipated. In addition, it was deemed advisable, in view of the excessive vibrations experienced on the "Colaba", to stiffen the hull of the "*Jinga*" longitudinally. In addition to this, after opening up and cleaning the boilers it was found necessary to carry out more work in the way of re-conditioning than was apparent at the time of the original survey. These are the causes for the excess of Rs. 2,98,000. Therefore, the amount spent on the re-conditioning of the "*Jinga*" is about Rs. 8,38,000, to which we have to add Rs. 1,37,000, and that gives you the total cost of the "*Jinga*", against the original estimate by the consulting engineers of about 10 lakhs. Therefore, even with this excess, the total cost is about Rs. 9,82,000. We are asking, as I have already said, for Rs. 4,51,000. The Rs. 4,51,000 is made of two figures. One is Rs. 1,53,000 : that amount was included in last year's budget and it was expected that bills would be paid last year, that is, between the time the budget was passed and the 1st of April ; but since the bills had not been properly checked, the money was not paid. The amount not having been paid, it lapsed, and having lapsed we have to come to this honourable House for a supplementary demand. Then, Rs. 2,98,000, as I have already explained, is the excess on the estimates. The total of these two figures is Rs. 4,51,000.

The next item is the item of Rs. 2,43,000, which is the excess on the original estimate for dry filling of block 8. We had a budget provision for this purpose of Rs. 9,15,000. Since then we have had to sanction a revised estimate of Rs. 11,58,000. The reasons for this excess are also explained at length in this note.

Mr. P. R. CHIKODI : I want to know whether it was the revised estimate that was sanctioned, or the original estimate.

The Honourable Sir COWASJI JEHangIR : According to the estimate of Rs. 9,15,000, there was a budget provision for that amount, and that was sanctioned by the Council during the last budget session.

Mr. P. R. CHIKODI : I want to know whether that estimate was sanctioned.

The Honourable Sir COWASJI JEHangIR : The estimate for Rs. 9,15,000 was sanctioned. It was technically sanctioned by Government and included in the budget and sanctioned by the House. Since that time we have discovered that it will cost more, and another revised estimate was submitted by the Chief Engineer and has been sanctioned,

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and to make up the difference we have come to this honourable House for a supplementary demand of Rs. 2,43,000. The reasons for the excess are explained in the note. They are shortly, that when the estimate of Rs. 9,15,000 was framed it was expected that the dry filling would be to a depth of about two feet; experience since then, that is quite lately obtained, shows that the dry filling will have to be to a depth of three feet. (An honourable member: Why not four feet?) I hope it will not be four feet. But the present advice of the Chief Engineer is that it will be three feet on the average—not three feet in every place, but three feet on the average. And the excess cost is due to this extra amount of filling.

The next figure is one of Rs. 1,28,000. This is an item which was not provided in the budget. It was found that the excessive rains prevented our officers from using all the rolling stock that Government possessed for the top dressing of block 8. Instead of allowing that rolling stock to remain idle, which meant overhead charges, it was decided to use some of the rolling stock on block 1. That filling would naturally have had to be done later on and provision would have had to be made later; but since the rolling stock was available we made use of that rolling stock for dry filling block 1. The extra cost for the current year on this account is Rs. 1,28,000.

Then there is an amount of Rs. 34,000, which is mainly due to one item of Rs. 25,000 involved in the work of speeding up the work in storm-water drain No. 6, and another item of Rs. 9,000 to meet some unforeseen petty works in connection with storm-water drains in blocks 7 and 8.

Then there is an excess of Rs. 18,000 on the estimate for repairs and maintenance. Complete figures are given in the note, and I will not trouble the honourable House by reading them out. They show why this Rs. 18,000 extra is required.

The next item is one of Rs. 47,000 for miscellaneous unforeseen works. The details of this expenditure are given in the note. Rs. 27,000 of this is an expenditure which I referred to during the budget session as an expenditure that might have to be incurred. It is for putting on a top-dressing on a part of block 8, which we hope very soon to transfer to the military. It is the playground, and in order to tempt the military to take it over before they are bound to take it over under the agreement, we have spent this Rs. 27,000.

The total is Rs. 9,61,000. Honourable members will notice that the excesses are all on items which have already been before the honourable House. There are no new items of expenditure, and the original items have already obtained the previous sanction of this honourable House.

There is an item of Rs. 40,000 for insurance.

Mr. G. I. PATEL: With whom is the insurance placed?

The Honourable Sir COWASJI JEHangIR: There is an item for insurance of Rs. 40,000. The dredgers have always been insured for the last three or four years. When Government re-considered the question

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of insurance they came to the conclusion that it was safer to again insure the dredging plant, and therefore they have insured them with Lloyds. The rates are favourable.

Mr. LALJI NARANJI : May I know against what risks?

The Honourable Sir COWASJI JEHangIR : There are two kinds of risks, silent risk and risk while working.....

Mr. LALJI NARANJI : Against breakages also ?

The Honourable Sir COWASJI JEHangIR : Against breakages also. We hope that the insurance money for the damage done to the *Sir George Lloyd* will also be forthcoming. I trust that the money will be forthcoming though I cannot give a definite assurance to-day. Government thought it advisable to insure the dredging plant and we will have to spend Rs. 40,000 during the current year. That makes up the total of Rs. 9,61,000. There is a saving of Rs. 3,16,000 which brings the excess to Rs. 6,45,000. All the details have been explained at very great length in the note and so I do not propose to go into the details of the savings. Every bit of information that honourable members may want is contained in this note. I therefore ask for this demand.

Question proposed.

The Honourable the PRESIDENT : I find there is an amendment from the honourable member Mr. Swaminarayan to reduce the supplementary demand No. 8 Reserved by Re. 1. I must inform the honourable member that he probably is aiming at raising a general discussion on the subject. If it is so, I might tell him that one rupee cut is tantamount to a vote of censure. Whatever that may be the amendment has been placed in my hand to-day. It will be remembered that at the last session on a supplementary grant a point of order was raised by the honourable member Mr. Deshpande and in consequence of that I was able to get a statement from the Honourable Leader of the House that demands for grants will be placed in the hands of honourable members at least seven days before they are made. I find that Government have carried out that promise in regard to, practically, all the demands before the House to-day. I therefore think that there should similarly be some sort of period of notice for amendments to such grants. The amendment having come to my hand only to-day, I do not consider it to be in time. I disallow it.

Mr. L. M. DESHPANDE : This demand was placed before us on the 5th of October.

The Honourable the PRESIDENT : I understand that this particular demand was placed before honourable members on the 29th of September.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I do not know whether it is worth while for us to ask Government to withdraw this demand, because we find that a large amount has already been spent. But I must say that I feel obliged to Government for bringing up this matter at this stage. I find, Sir, that there are many things which this Council should have been made aware of. I find that expenditure in

[Mr. Hooseinbhoy Aldullabhoy Lalljee]

regard to dredgers has been going on for some time and I must say that I also feel that at the last budget session the actual position with regard to this matter was not disclosed. I may be wrong but I think that Government before incurring such expenditure on an old vessel ought to have given us some further particulars before they proceeded with the expenditure. At the last budget session an amount of Rs. 5,40,000 was provided and I am sorry to say that owing to there being no sufficient time this grant escaped discussion and after that the estimates have gone up and they now want Rs. 8,45,000.

I should like to go into the details of this "Jinga." It has been stated that it was purchased in January 1925 for a sum of Rs. 1,35,000. It has been stated that the vessel was inspected and examined and was found to be satisfactory. That was what I heard the honourable member to say. But, Sir, since January 1925 up to this date I believe this vessel has not been working, that is, for a period of two years and a half. I ask the Honourable General Member whether it is not a fact. I do not know whether repairs have been completed and I hope that after this expenditure has been incurred it will be ready for work. One of the reasons given for the estimates having gone up is :

"After dismantling the engines, boilers and machinery, it was, however, discovered that a number of internal members of the hull, such as some of the main frames and inter-costals, which latter had all to the renewed in the boilers' space, were in a very much worse state than was originally anticipated."

Well, this is what happened after we have been told that the vessel was inspected and found to be good. So far as the hull is concerned that is what is said. The explanation proceeds :

"In addition to the foregoing items, it was deemed advisable, in view of the excessive vibrations experienced with the 'Colaba' to stiffen the hull of the 'Jinga' ".....

Now, Sir, I ask Government as to when they came to know the experience gained by "Colaba." It was known to them that "Colaba" required stiffening long before the Budget and so they should have come forward with this extra grant also for stiffening to the extent of Rs. 2,98,000, in March 1927 when they asked for grants. It cannot be said that they came to know this after the March session and I will not agree if it is said that they found out after the Budget session something with regard to "Colaba" which led them to incur this extra expenditure. Sir, I gave my evidence before the Grimwood Mears Committee on the 20th of August 1926. I have got a copy of my statement with me and in that statement I have referred to "Jinga" and the defect of the "Colaba" at length. I was questioned on that. I do not wish to go into the details by reading the same but I would point out to Government that it was before the 20th of August 1926 that it was found out that "Colaba" required stiffening. If that is so, Government must have known before that this expenditure was required. If that was the fact, why did they not place it before the Council during the budget session? Sir, it was an old vessel and on it they have spent nearly Rs. 9 lakhs and they wish to work this vessel with dredger "Kalu" in the Back Bay. Well, Sir, I have grave doubts whether this vessel can usefully work.

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I really fail to see why the "Colaba," over which we have spent nearly Rs. 30 lakhs, could not work with "Kalu"? It will be said, and it was said formerly also, that the flotation was not sufficient. But during the struggle that took place before the Mears Committee, Sir Hopkinson has pointed out that flotation could be made by the dredgers themselves and at a very reasonable cost, and when it was pointed out that the "Kalu" could not work well owing to flotations, it was said that she herself could dig out her own flotation. I am, therefore, Sir, of opinion that if Government were really anxious to work the "Colaba," which is now laid up because the "Sir George Lloyd" is also laid up, for this filling of No. I, they could have very well saved this amount because after all what is the value that the Kay Committee has attached to these vessels? Nine lakhs of rupees for all the vessels, "Sir George Lloyd," "Colaba," "Kalu" and "Jinga." Sir, I ask Government in all earnest whether they are justified in spending this huge sum on this old vessel. I ask them, Sir, whether they have calculated the cost of this on the cost of the reclamation that will take place on No. I. Sir, I feel it very much that Government should say that they have come to know of this Rs. 2,96,000 extra cost during the last four months to be spent for this vessel and they have spent the same on a vessel on which nearly Rs. 9 lakhs have already been spent. I ask how so late in the day they have been able to know of 33 per cent. more expense, that is, Rs. 3 lakhs, only during the last four months is to me, Sir, to say the least, a riddle.

Now, Sir, I come to the next item, block No. 8. Sir, the estimate that was placed before the Council was Rs. 9,15,000. Now they have found out that it will cost Rs. 11,58,000; that is, 25 per cent. more. It works out roughly to 25 per cent. They have found out that instead of 2 feet dry filling they will require 3 feet, and the Honourable the General Member said that the Chief Engineer was of opinion that probably 3 feet average will do. Sir, I have had an opportunity to go over to block No. 8 very recently in the company of the Chief Engineer and the other two expert engineers on the special standing committee of the Back Bay, and, as far as I can make out and after the discussion that I had with them, I know, Sir, that we will not only require it to be 2 feet or 3 feet, but we will require it to be more than 4 feet. The shrinkage is so very great that the Government have all along faltered there. But they will not admit it or they will not care to find out exactly what has taken place. I think, Sir, that this clearly shows that all our estimates up to now are not reliable. I say, Sir, we were led to believe and the Council was told that dry filling would be required to the extent of 2 feet, and for that reason probably some of the members may have voted and the Government carried their schemes of Nos. 1, 2, 7, 8 and a little portion of No. 6. But I ask Government, in view of this extra filling that they will require, and according to the experience taught to them now after their experts and the various committees of Sir Joseph Kay, Mr. Neilson, and others, had reported that they would require about 2 feet of dry filling, that they should not say to us frankly what actually now the cost will be? A very important question is raised in this little item. The very principle

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of the cost of the whole scheme is at stake. Here you find that the cost will be 25 per cent. more for this little portion of dry filling, and that will now go on, for the whole scheme. If I am right that dry filling up to 4 feet will be required, then the cost will go on still more. I ask this House to consider carefully what great issue is at stake when they pass this item. The whole extra cost, I submit, will come to a very high figure. Then, Sir, I also wish to draw the attention of the House to one important fact, and that is that I consider the cost of dry filling, from the tenders that we have got recently, to be lower than that of wet filling and dry filling, and I ask the Honourable the General Member and the Government to consider again seriously whether instead of wet filling he will not think it advisable to go on with the work of dry filling in all the blocks.

Now, Sir, with regard to the third item, I do not wish to say much, because the explanation that has been given seems to be correct.

With regard to the storm water drain, Sir, I am really sorry to have to ask how it is that, after working for so many years on this Back Bay Scheme, such expenses are put down as unforeseen and not as foreseen, what are our experts doing.

Now, Sir, coming to the insurance, this is not one of the items on which the Council can really congratulate the Government. We are insured for "Sir George Lloyd" and we have not yet got our claim. I do not wish to discuss that point because I do not want Government to be handicapped in their claim against the insurance company. But I do feel, when the insurance of "Kalu," "Colaba," "Jinga," and so on, is effected for Rs. 40,000, they will look into the conditions of the policy very carefully. They have said that they have insured these for silent and working risk. I hope it includes accidents to machinery and also will include the amount of working losses, which is not very costly, but when they put down anything for working losses, I hope they will see that the policies are not the policies which the insurance companies present but that those policies will meet the requirements of ourselves as calculated from our experience with the "Sir George Lloyd." I do feel that Government ought to have taken rates from many insurance companies. . . . .

The Honourable Sir COWASJI JEHANGIR : We did. That was the lowest.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I accept that statement, Sir, that that was the lowest.

Coming to the saving, I do not know whether to call this a saving or whether these items have been put in the budget for providing for extra unforeseen circumstances just as the similar one that we have here. I make this statement because I feel so from the figures and statements that are placed before us. Take first this instance : a budget provision was made for an anticipated saving from the budget provision for land acquisition. The amount asked for and sanctioned by this Council was Rs. 2,79,500 whereas the anticipated saving amounts to Rs. 1,59,000, that is the actual amount paid will amount to only Rs. 1,20,500. Are we to believe that when Government have to pay only Rs. 1,20,500 that

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they estimated for something like Rs. 2,79,000 or 133 per cent. more than their actual requirements? Have we not got experts on our staff who can value the acquisition of properties? We have the Improvement Trust, the Municipality of Bombay, the Bombay Port Trust, and we obtain estimates from our engineers. These estimates do actually vary to the tune of 5 or 10 or 15 per cent., never 133 per cent. I further find that under "Land Acquisitions," there is an item of savings of Rs. 53,000. A budget provision was made for Rs. 75,000 for acquisition of land for Back Bay Scheme which included Rs. 10,000 for payment for extra compensation due to references made to courts and awards, etc., and a sum of Rs. 6,000 for Law charges to be incurred. That is to say in all Rs. 75,000 were required. What do we find? The probable requirements are Rs. 4,000 for extra compensation against Rs. 10,000 and Rs. 6,000 for Law charges, *i.e.*, as against Rs. 16,000, we will require Rs. 4,000. Against the value of land Rs. 53,000 we are required to pay only Rs. 18,000; that is  $\frac{1}{3}$  only is really required, although it is said that the Court had awarded 53,000.

Coming to the next item, there is an anticipated saving of Rs. 8,000 as against a budget provision of Rs. 10,000, made for land acquisition in the Suburban Scheme—Kurla-Kirol section—and it was said this was required for payment of extra compensation awarded by the courts in a reference made to them and for other charges incurred therein. Then again it is said that "In accordance with the decision of the court a sum of Rs. 2,000 will have to be paid"—so runs the statement. I cannot understand this, that is, the difference between award of the Court and the decision of the Court. I am sorry I am not a very much educated man but all the same this statement does not seem to be right. The decisions of the Court in land acquisition cases are its awards. What is the meaning of this? How can we swallow such statements and pass such an item? I see further that a provision was made for Rs. 15,000 as against only Rs. 8,000 required now; that is, 90 per cent. more was provided for in the Budget.

There is another important item as regards an anticipated saving of Rs. 4,000 and it is said that while budget provision of Rs. 56,000 included Rs. 6,000 for law charges, Rs. 25,000 was set apart for acquiring land and Rs. 25,000 for payment of compensation. Only Rs. 52,000 are now required for payment for land, mostly already acquired, but not yet paid. Here again I do not understand the figures. I leave it to the Honourable the General Member to explain them.

There is another item of Rs. 10,000 for Danda land, on which it is said that there is an anticipated saving of Rs. 7,000. I do not understand this. The provision of Rs. 10,000 was made for payment of extra compensation for the land in Budget, and law charges. There is no acquisition of land at all here. Only law charges were intended and nothing else, this is really a very serious matter and requires full explanation.

I do not go into the details of the other items as they are almost the same as I have pointed out but it clearly shows that at the time when these

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budget provisions were made, they were made to meet unforeseen expenses and were made very carelessly, to say the least. In some cases, either land has not been acquired at all or in some cases the least sum has been paid for it than was promised, and I cannot believe that Government were unable to find out what the actual cost of land was going to be. If you go through these items you find in some cases only law charges rather than anything like the acquisition cost of the land ; whereas all the amounts that were asked for during the budget were for land acquisition ; and in most cases, they were put down as payable according to the awards of the court and it is also stated in the note given to us by Government explaining the saving. I wish the honourable members will carefully read these notes and ask Government to explain the same. I, for my part, cannot agree that these are savings or could be said to be saving and therefore, I do not put this down as saving made by the department, but I say that it was not required, and yet it was put into the budget. Well, Sir, I would only say this much that, so far as I am concerned, I am not satisfied with these items of expenditure, and I really want the House not to pass this grant until the Honourable the General Member is able to explain to them the real position in which we are at present. In short, the whole thing comes to this, namely, whether by reason of 3 feet of murum being now required instead of 2 feet, the whole scheme will not become more costly on account of the increased cost. Secondly the Honourable the General Member should explain to the House how he happened to get the Council to agree to a provision of as much as Rs. 2,29,000 for acquisition of land, a very great portion of which he now puts down as a saving. This is an important question, because, in future when such items are put down in the budget and they say that the courts have awarded and that it has to be paid and it turns out that only law charges are to be paid in some cases and still less were lands actually acquired we shall be entitled to say that we cannot rely upon their statements and figures. With these words, I resume my seat.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, this is a grant which raises one very important question both for the Government and for those who are on this side of the House, and, to my mind, the only question is whether wet filling or dry filling is the proper method to get at the object which Government have decided to pursue against the wishes of the public. I have always opposed this scheme, but now Government having gone so far and having spent more than Rs. 10 crores, I do not think it will now be feasible to say that we should withdraw from the scheme. But, Sir, certainly Government, after seeing the facts that were placed before them and the facts that they have themselves placed before the Finance Committee, must seriously consider whether all the expenditure that they are now incurring is necessary. This expenditure will only be necessary if Government decide that wet filling is the proper method which they should adopt. I would refer honourable members to the proceedings of the last meeting of the Finance Committee which have been supplied to honourable members only to-day. The figures given on page 35 of the proceedings show clearly that the cost



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of dry filling will be  $15\frac{1}{2}$  annas per cubic yard. On page 36, it is stated that office expenses to the extent of  $1\frac{1}{2}$  annas should be added, which will bring the total cost to Rs. 1-2-0 per cubic yard by dry filling, and the cost of wet filling has been worked out at Rs. 1-2-6 per cubic yard. Now, Sir, Government might say that they have spent the money. Really speaking, I take it that the grant that is before the House is not one for money to be spent, but Government have already spent the money; so, it is no use our wasting our energy in opposing this grant. Even if we oppose it, the money has already been spent, and Government have decided that wet filling is the only method which will be profitable to them. Now it is a matter for consideration, when Government know that the cost of wet filling is Rs. 1-2-6 as against Rs. 1-2-0 for dry filling, what kind of filling they should adopt, wet or dry. If they decide that wet filling is more costly, they will have to scrap all the dredgers, the "Kalu," the "Jinga" and the "Sir George Lloyd," which have all been costly items of expenditure. I do not want to discuss the question of the dredgers, because that is not the question before the House, but the cost has been tremendous, it has been ruinous. I do not know whether the House has paid any attention to the note supplied to them by the Secretary of the Finance Department, Mr. Wiles, in which he has tried to convince the House that in spite of the losses of the Development Department our Budget will be able to balance. I say that the Development Department has been the cause of the ruin of the finances of this presidency. I held that view before, and I hold it to-day, and I would certainly appeal to the Government, are they still going to stick to their conclusion to do this by wet filling? I think it is not now necessary to go on with the wet filling. They should scrap the "Sir George Lloyd," because it is not used for the filling of Back Bay. They should also not go in for the reclamation of other blocks. It will be remembered that the Kay Committee, of which I was a member, and which was presided over by a commercial man, have stated that block No. 7 is not a commercial proposition. It is confirmed in the report that is placed in our hands to-day, regarding the working of the Development Department, in which also it is stated that the Kay Committee opposed the reclamation of block No. 7. But, in spite of that, Government have decided to go on with block No. 7. I am not concerned with that, but what I want to show to this House is that it is not possible, economically to go on with wet filling and to continue to work all these dredgers, the "Sir George Lloyd," the "Kalu," the "Jinga" and the "Colaba." With regard to block No. 1, there is one argument which is advanced, namely, that we are losing interest, and if it is finished early we are saved Rs. 50,000 a month. To that my reply is that the outlook is not so rosy as Government make it out to be, because it will not be an easy matter for them to sell block No. 1 under present conditions. It is a matter of opinion, but still there is no hurry. Bombay is not in a hurry to get more land. Now, if by dry filling Government can save money, and Government can deal with a certain factor instead of an uncertain factor, Government must be persuaded by this House to face the loss caused by the scrapping of the

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dredgers, and pressure must be brought to bear on Government to face the loss. It is no use telling the House after two or three years that the loss is 2 crores or 3 crores. We know that this is the loss. Why not cut the loss to-day, and have the definite and certain factor of dry filling which, as I have shown to the House, will cost Rs. 1-2-0 per cubic yard, including the cost of Re. 0-1-6 for the expenses of supervision of the railway sidings? It is for this reason that I do not want to criticise this provision of Rs. 4,51,000. To my mind, it is all waste of money that they are spending on a ship which originally cost Rs. 1,37,000. I am sure no business man would have taken up such a proposition, to buy a dredger for Rs. 1 lakh and spend Rs. 8 lakhs on renovating it. The reason advanced for the adoption of this course is that a new dredger would have cost them Rs. 25 lakhs. If they were absolutely sure of the economy of wet filling, it would have been better to purchase a new dredger for Rs. 25 lakhs. But they have never cared for the House. They have got their demands passed by their own voting force and by their own influence in spite of all our opposition. And now, in spite of the fact that they are convinced that the cost of dry filling is cheaper than the cost of wet filling, they want to continue to spend money on the dredgers. The tale of all the dredgers is a sad tale. Nobody can deny that the dredgers have not been a profitable concern to work. I see no reason why Government should persist in continuing to use wet filling. There is another item of Rs. 2,43,000 for dry filling, and that again supports my claim that in dry filling you know exactly what the cost will be. There is enough material available for dry filling from the Kandivli quarries. Why should we incur the big expenditure of the establishments for the dredgers? In my last budget speech, I impressed upon the Government the necessity of disposing of the "Sir George Lloyd" and other dredgers. But they have continued with the dredgers; they have not even given the necessary six months' notice to the staff. Leaving aside all that criticism, I think it is but fair that Government, even though they have spent large amounts on the dredgers, should dispose of them. I doubt whether they will find a purchaser for Jinga even for 4 lakhs. They must scrap all these dredgers and go on to dry filling. They must be sure of the estimate they present to the House. Is it not disgraceful that they should go on revising their estimates saying that there has been shrinkage of 2 feet and one foot and so on? Why should they walk on uncertain grounds? Let the House know the exact cost. In the matter of filling of block 8 we have always supported Government on the assurance that we will get out of it 2½ crores. But we are getting ready 19 acres and 25 acres completed. The Government of India seem to be playing with the Bombay Government and they refute the claims of this Government for payment. Still no efforts are being made by this Government and are always given the hope that the money is recoverable. This is a demand for 9½ lakhs as clearly pointed out by the Honourable the General Member and not 6 lakhs 45 thousand, because saving deducted is no real saving from anticipated expenditure but expenditure cancelled. We are not sure whether we

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will get at least 2 or 3 lakhs from the sale of land. We should stop hereafter wet filling and take to dry filling. Though the Development Directorate has been abolished still there is a big department maintained by Government. If dry filling is to be carried on there is no necessity for maintaining such a big department and its establishment. There are the quarries and dry filling can be carried on at a much cheaper cost and it does not require such a big establishment. I think that the cost of the establishment can be narrowed down very much, as it is a waste. I appeal to Government to pay attention to the remarks of the Auditor General and the Finance Department which has pointed out that the Development is a source of grave anxiety to them and loss of revenue to this presidency. In spite of that they should not go on with wet filling and continue to work the dredgers.

Mr. G. L. WINTERBOTHAM (Bombay Chamber of Commerce): Sir, in view of the full complement from the Development Department in the House today it should be unnecessary for any non-official to say anything in support of this supplementary grant; but I am moved to make a few observations as the result of the remarks that have fallen from the previous speaker. I must say that he appears to have lost touch with the Development Department since he sat on the Kay Committee and it is a matter for regret that he was not able to refresh his memories on the facts by being present at the meeting of the finance committee when all these subjects were fully threshed out for over 2½ hours and where all necessary information was supplied by the officers of the department who had come from Bombay, no doubt at great personal inconvenience to themselves, specially for the purpose. The honourable member Mr. Lalji Naranji urged that all the dredgers should be scrapped and they must concentrate on dry filling. As regards the scrapping of dredgers, the honourable member surely ought to have known that the dredger *Sir George Lloyd* for all practical purposes has been scrapped, that is to say, it will be of no use to the Development Department. Even if the insurance money is recovered—and it is sincerely to be hoped that it will be—the *Sir George Lloyd* cannot be reconditioned in time to be made use of in the present scheme, not economically at any rate. That was the reason that prompted Sir Joseph Kay at the last Budget Session to move a cut of Rs. 20 lacs to prevent Block No. 6 being included in the scheme. He foresaw that the “*Sir George Lloyd*” would not be in commission by the following dredging season, and that Block No. 6 would not therefore be a practicable proposition and he has been abundantly justified by results.

Mr. LALJI NARANJI: That motion was with regard to block No. 7.

Mr. G. L. WINTERBOTHAM: No; it was in connection with block No. 6.

I do not wish to be led away into dealing with matters which will be explained to the House by the Honourable the General Member, but, I cannot refrain from pointing out to the honourable member Mr. Lalji

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Naranji that his statement with regard to Sir George Lloyd was misleading and that for all practical purposes that dredger has been scrapped.

Coming to the expenditure on the *Jinga*, I must say that there seems to be some force in the contention of the honourable member Mr. Hooseinbhoy Lalljee that Government ought to have known at an earlier date than only four months ago that this excess expenditure would be incurred. It is difficult to estimate the reconditioning of a ship until dismantling has taken place, but at the same time it ought perhaps to have been possible to estimate more nearly the actual cost at an earlier stage. But even so I think that on this particular question the House has to congratulate the Development Department, not on the expenditure, but on having placed all their cards on the table before this honourable House. In the past we have had to complain that the dealings of the Development Department have been carried on behind a veil of official secrecy. I must congratulate the Honourable the General Member on the change of plan by which nothing is concealed but all the possible information that the House can want is made available for honourable members.

The other main point which the honourable member Mr. Lalji made was : " Give up your scheme of wet filling and concentrate on dry filling " The only thing one can say with regard to that argument is that it is based on the fact that the rates for dry filling have been considerably reduced, but it is only comparatively recently within the last few months that the lower rate of 15 annas *plus* 1½ annas has been secured and to say that the Development Department ought to have based their plans and their estimates on these rates is simply being wise after the event. Though one can blame them for making mistakes in the past, it is not possible to expect them to base their plans on something which is going to happen in the future. Then I should like to draw the attention of the honourable member to the fact that the only wet filling that remains to be done is in block No. 1. As far as my information goes, it is going to be done by the *Kalu* in the season which is starting immediately. Whether block No. 2 is to be done by dry or wet filling remains to be considered. From the financial aspect of the scheme, block No. 1 is to be completed as soon as possible. It cannot be done by dry filling for want of the necessary equipment to carry material from the quarries, as all the available plant and rolling stock is needed for the completion of block No. 8. It is absolutely essential that the dry-filling of No. 8 should be completed within the shortest possible time, because it has to be made over to the Government of India and the Government of Bombay will obtain hard cash for it. That is to say, dry-filling is not possible, owing to lack of rolling stock, for more than No. 8 during the coming working season. I should like to inform the honourable member for Bombay City (Mr. Hooseinbhoy Lalljee), that according to my information, whether the shrinkage is going to be 3 feet or more, the eventual cost will be less than the price which the Government of India are going to pay to the Government of Bombay. It does not, therefore, seem germane to the subject

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to say that the shrinkage is going to be 4 feet and therefore the cost will be much greater than even now estimated. The fact remains that the filling has got to be done, and it must be done as soon as possible. My information, gained from engineers during the course of my visits to block 8, is that it will be completed or practically completed by the hot weather next year. Therefore, Sir, when it comes to criticising the Development Department, let us not be led away from the main facts. The main facts are that it is impossible, if you are going to carry through that portion of the scheme which this Council has already sanctioned as economically as possible, to stop wet filling and turn your attention only to dry filling. The hard facts are there. Therefore, I say that the expenditure on the dredgers had to be incurred and should be passed. As far as I know, all the expenditure which has to be incurred on the dredgers and the boosters has now been incurred, and as far as I understand the position it was essential that the booster "Jinga" should be re-conditioned in time to work with the dredger "Kalu" in block No. 1 this year. Therefore, it seems to me, Sir, that though there are no doubt many points of detail to be explained to the honourable members who come from Bombay, there is nothing actually in principle to which great exception can be taken in this supplementary demand. The additional expenditure has been incurred on schemes which have been sanctioned by the Council. That expenditure is much to be deplored, but as far as I was able to judge, after careful enquiry in the Finance Committee, it was necessary. I therefore think that in discussing this supplementary demand the attention of the House should be directed, as far as possible, not to a wandering discussion of the possible future course of action of the Development Department, but to the actual facts of the case which have been so carefully presented to the House.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (Addressed the House in Urdu): Mr. President, out of this supplementary grant, Rs. 4,50,000 is for re-conditioning the "Jinga". Now, we have been told that the cost of dry filling per cubic yard would be only 15½ annas per cubic yard. The total cost of the "Jinga" is stated to be Rs. 10,00,000. I would like to know how much of the filling will be done by the "Jinga" and whether the expenditure of Rs. 10,00,000 on it would give a proper yield when compared to the cost of dry filling. I know that already a sum of Rs. 6,00,000 has been spent on the "Jinga", but if it is not going to be profitable expenditure, I would advise Government not to spend a pie more on the "Jinga" but "pension" it.

Another point which strikes me in connection with the Development Department is this. Out of the four schemes originally sanctioned, namely, Colaba Reclamation, Suburban Development, Industrial Housing and Back Bay Reclamation, three have been dropped, and there is only one scheme remaining, and that is the Back Bay scheme. That being so, I fail to understand why there should be a special Secretary for it on Rs. 3,000, one Deputy, one Chief Engineer on Rs. 3,000, and one Deputy Chief Engineer. I think that there should be no need to have all these officers, when only one of the four schemes is going on.

[Mr. Haji Mir Mahomed Baloch]

There is one superintending engineer and three executive engineers. Is it a fact that without them the work cannot go on? If the Honourable the General Member will take my suggestion he can save money. In the housing department there are the following staff: one executive engineer and three assistant engineers. The executive engineer taken from the Public Works Department getting Rs. 450 is paid Rs. 1,200 in Development Department, whereas according to the Public Works Department procedure only Rs. 50 extra are paid as charge allowance for acting in higher appointment.

The Honourable the PRESIDENT: Order, order. Does the honourable member refer to the development chawls? I think he must restrict his remarks to the item which is before us.

Mr. HAJI MIR MAHOMED BALOCH: I have nothing more to add. I merely wanted to compare the Public Works Department with the Development Department and I hope the Honourable the General Member will look into this.

Mr. R. S. ASAVALE (Bombay City, North): Mr. President, I have to bring to the notice of the House that at the time of the last budget when this question was discussed we sanctioned some amount in the budget for repairs to the dredgers and for filling in of the plots. These plots have been filled in or are being filled in but I am astonished to see that this plot No. 1 was not to be filled by dry filling by trains. I do not know how it has come into the mind of the Executive Engineer now after the budget for 1927-1928 was framed and has been sanctioned. In fact the engineers must have known as to whether the plot required dry filling or wet filling. Now, had it not been for the miscalculation of the engineer in charge of that work this demand for the amount of Rs. 1,28,000 would not have come up before this House.

There is no information whether this work is being carried on departmentally or has been entrusted to a contractor. It is to be seen whether this increase in expenditure is owing to the difference between the departmental work and the work carried out by the contractor. This state of thing ought to have been made clear before the demand is made but it has not been done so.

I believe if the budget was sanctioned in February the work must have been already commenced as per estimates and plans put forward at that time. If it had been done there is a possibility that this great shrinkage would not have occurred. If the work would have been carried on as estimated by the engineers by dry filling I do not understand why there should be so much shrinkage and it could not have been 25 per cent.

I would like to hear either from the Honourable the General Member or the engineer in charge as to the amount shown as excess and whether the amount for storm water drains was not included in the estimates for the current year, and if not, why not? The engineers must know how to frame estimates and why was this not contemplated and put before the House during the last budget session?

[Mr. R. S. Asavaie]

I would also like to know when this dry filling was actually commenced, whether during the monsoon or before that? If the dry filling was commenced before the budget was presented to the House then there is no question. But if it was started after the budget amount was sanctioned and during monsoon the blame lies on the engineer and nobody else. That is why such a large amount as Rs. 9,21,000 is now demanded instead of Rs. 4,51,000. I therefore think that we must always be alert when passing such items and I therefore oppose this demand.

The Honourable Sir COWASJI JEHangIR : Sir, I hope to be able to reply to the discussion in about three or four minutes. The honourable member Mr. Hooseinbhoy Lalljee mentioned two points. He complained that we did not bring this excess on the *Jinga* to the notice of the House at the budget sessions. I may inform the honourable member that Government were not aware of the extent of the excess at the time. If they had been aware of it they would certainly have brought it to the notice of the House. That could have been done much more easily than it is possible to do it to-day in the form of a supplementary demand. It is not possible to know what the damage or what repairs are required to a dredger until you go deeper and deeper into it. No estimate can be made of the repairs to a dredger until you have really gone to the bottom of the question and therefore at the time of the budget sessions Government were not aware of the fact that there would be such an excess. He also made a point of the fact that the vibrations experienced on the *Colaba* were known to Government some time ago. This is correct, but that this experience would require further repairs to the *Jinga* came to the knowledge of Government only a couple of months ago. He also mentioned the question of *Colaba* being taken into Back Bay. This question has been under the consideration of Government times out of number. We have been advised that the *Colaba* cannot be taken into the Bay. I assure you that if the advisers of Government thought that this was possible it would have been done. But it is not a practical proposition as the cost would be more than the outturn would justify.

He talked about the shrinkage in block 8. Well, there has been shrinkage in block 8, and our engineers give us advice to the best of their ability and we can only act on that advice to the best of our ability. There is an advisory committee of a few gentlemen, of which my honourable friend Mr. Hooseinbhoy Lalljee is a member. He has visited the Block. He has seen for himself the difficulties of estimating what the shrinkage will be. We were told there would be 2 feet topping when the budget session was in sessions. Experience gained afterwards showed our officers that 3 feet will be required. Even if this estimate does not stand, we will have to complete block 8 and will have to come to the House and tell them what the engineers' opinions are. This is a question, Mr. President, on which no past experience is available. It is practically new ground and we admit it.

Now, Sir, I must thank my honourable friend Mr. Lalji Naranji for the speech he made. His one point was : " Why go in for wet filling ? "

[Sir Cowasji Jehangir]

We have got to go in for wet filling next season in block 1 because we have no rolling stock to spare. I can assure my honourable friend that the question of wet filling versus dry filling will be most carefully considered by Government and all the facts and figures will be placed before the advisory committee before we definitely decide to continue with wet filling in Block 2. I appreciate my honourable friend's statement that the present rates of dry filling are lower. If the present rates stand in the future, we might be able to go in for dry filling and please my honourable friend's heart by scrapping the dredgers.

Mr. G. L. WINTERBOTHAM : May I ask a question ? Does the Honourable the General Member refer to the filling of block 1 ?

The Honourable Sir COWASJI JEHANGIR : No. As to block 1 it will have to be filled up by wet filling.

Mr. G. L. WINTERBOTHAM : So, the Honourable Member is referring to block 2.

The Honourable Sir COWASJI JEHANGIR : Quite correct. As to block 1, we must finish it by wet filling. We have no rolling stock available even if dry filling was cheaper. We are not absolutely convinced that dry filling is cheaper, but in the meantime we must finish block 1 by wet filling with the "Kalu" and "Jinga", and we propose to do so. As to what will happen in the season after, I can express no opinion. I can only say Government will carefully consider everything and place all the facts and figures before the committee.

I thank my honourable friend representing the Chamber of Commerce (Mr. Winterbotham) for the very accurate information he placed before the House, which has enabled me to finish my speech in four or five minutes. I congratulate him on the very useful knowledge he seems to have obtained in the Finance Committee and placed before the House in a very few words. If all members were to follow his very good example of attending the Finance Committee and obtaining accurate information and then placing the knowledge which they gain before the House, the work of Government and of many of us would be much easier.

Mr. President, there is just one point more. My honourable friend Mr. Hooseinbhoy Lalljee said he could not understand what was stated at page 9. What is stated at the bottom of page 9 is this.....

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : What I said was about the acquisition of land. I wanted to know about that.

The Honourable Sir COWASJI JEHANGIR : There was an appeal, and it was possible that the courts might award extra compensation, which would have to be paid in the current year. Therefore, we provided Rs. 10,000 in anticipation of the award. Now we find that the award is not likely to be Rs. 10,000 but only Rs. 2,000. Therefore, there is a saving of Rs. 8,000. That is perfectly clear. As to the acquisition of land, certain lands have been acquired, and in most cases we are in possession. We expected that we might have to pay compensation in the current



[Sir Cowasji Jehangir]

year. We find we have not to pay compensation in the current year, and thus there is a saving.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Next year you will have to pay.

The Honourable Sir COWASJI JEHANGIR: For some of the lands we may have to pay.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Then there is no saving.

The Honourable Sir COWASJI JEHANGIR: In some cases not (After a pause). I am sorry. My honourable friend the Secretary to Government informs me that it is all anticipated actual savings—less amounts to be paid than we expected.

These are the few facts that have been alluded to in the debate Mr. President.

Mr. N. A. BECHAR: I want to know, Sir, whether the engineers and other staff of the "Sir George Lloyd" have been given notice or sent away.

The Honourable Sir COWASJI JEHANGIR: Some of them have already gone. Only the absolutely necessary number of men required for the "Sir George Lloyd", I think, are on the boat at present.

(At this stage the honourable member Mr. Bechar asked a question which was not audible.)

The Honourable Sir COWASJI JEHANGIR: I cannot answer a long question like that now.

Question put and carried.

Expenditure in connection with a donation for the X-Ray Department at the Goculdas Tejpal Hospital, Bombay.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move for a supplementary grant for Rs. 3,305 to be re-appropriated from 47-Miscellaneous—Transferred to 32-Medical—Transferred.

As the statement\* placed before the honourable members will show this demand relates to the X-Ray Department at the Goculdas Tejpal Hospital, Bombay. A new block for this department has been built. There was a donation of Rs. 75,000 by one gentleman for the purpose of purchasing an X-Ray apparatus and there was a condition that Government would supply the staff and a sufficient grant to work the department and to maintain it in efficient working order. The building has been built and the cost of purchasing an X-Ray apparatus has been estimated at Rs. 65,000 which will be covered by the donation. The maintenance cost will, as will appear from the statement, be Rs. 11,520 and the cost for the five months of the current official year will be Rs. 3,305.

The importance of X-Ray treatment is well recognised and does not require any further mention from me. I would refer the honourable members to the last paragraph on page 2 of the statement with regard to the benefits that are expected to accrue to the medical profession and the

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\*Appendix 12.

[Dewan Bahadur Harilal D. Desai]

general public and I would ask them to note that Government are prepared to accept the donations for the X-Ray department and adopt the proposals regarding maintenance submitted by the Surgeon-General with the Government of Bombay in that connection. I therefore request the grant of Rs. 3,305 to meet the additional expense involved in the acceptance of this donation during the current financial year. There are no sufficient savings under 32-Medical, and so we have to draw upon the reserve under 47-Miscellaneous—Transferred by way of re-appropriation. I therefore submit that the honourable House will give the grant asked for.

Question proposed.

Mr. F. J. GINWALLA (Bombay City, North): Sir, I do not wish to oppose the grant but I wish to draw the special attention of the Honourable Minister to a few points in connection with this department. •

I would particularly notice the item "one sister" in charge on Rs. 250—10—300 (average 283½). There will be one X-Ray and Electrical Assistant, there will also be a photographer and dark-room assistant and there will also be one subordinate medical service officer. On top of all these officers, it is intended to have a sister in charge. If the Honourable Minister will make enquiries he will find that there is no necessity at all for a sister in charge as the other staff provided will be quite sufficient for the needs of the X-Ray Department. I therefore suggest to the Honourable Minister to reduce the item of the sister in charge. In this connection I would like to invite particular attention to the fact that in the Goculdas Tejpal Hospital there are several Indian nurses who are not given any chance of promotion although many of them are qualified and well fitted to hold the post of sister-in-charge if one were really required. I do not see any reason why an Anglo-Indian sister should be placed over the heads of Indian sisters already working at the hospital. I hope the Honourable Minister will do adequate justice to our Indian sisters there.

Mr. B. G. PAHALAJANI (Western Sind): Sir, we are very anxious to know what the duties of the sister in charge on Rs. 250—10—300 are going to be, and whether it is necessary to appoint a European nurse for the purpose, or an Indian nurse on a lower salary will not do. If it is intended to appoint an Indian medical nurse, I think the proposed pay of Rs. 250—10—300 is rather high, especially when we have got, apart from the honorary surgeon, other officers to assist in the work. This is a matter which the Council need not go into, but it is a matter which the Honourable Minister has not made plain in the note. I hope he will satisfy the Council as regards that item.

It will be noticed that it is proposed to give an additional duty allowance of Rs. 35 to a subordinate medical service officer. It should be considered whether, when there is an X-ray and electrical assistant, it is necessary to have an additional subordinate medical service officer and give him a duty allowance. I think that the whole expenditure of

[Mr. B. G. Pahalajani]

Rs. 3,305 requires to be closely examined, and that the Honourable Minister has not devoted to this matter the care and attention necessary.

Dr. M. D. GILDER (Bombay City, North) : Sir, I rise to support this demand for the grant of Rs. 3,305. The G. T. Hospital does a great amount of casualty work in Bombay ; in fact, it is the only casualty hospital for the South of the town of Bombay, and an X-ray and Electro-Medical Department is an absolute necessity in that hospital, and the amount proposed to be spent upon it, considering all things, is not very much.

I quite agree with my honourable friend Mr. Ginwalla that the pay proposed for the sister in charge is excessive. I should like to know from the Honourable Minister whether these expenses are for the X-ray and Electro-Medical Department and Massage combined, or for the X-ray Department alone. Secondly, I should like to know whether the sister in charge will be on duty for 24 hours or only for a part of the day and whether any efforts have been made to train up an Indian nurse to work in the X-ray Department. With these words, I beg to support demand.

Mr. N. A. BECHAR (Karachi City) : Sir, I rise to support the demand made by the Honourable Minister with regard to the expenditure in connection with the X-ray Department which he wants to set up in the G. T. Hospital. Sir, it is a matter of congratulation and satisfaction that some amount of research and medical work is being done and extended from time to time. But, Sir, I wish the Honourable Minister would kindly pay attention to the other cities besides the city of Bombay.

Mr. B. G. PAHALAJANI : How is that relevant ?

The Honourable the PRESIDENT : This is certainly not relevant.

Mr. N. A. BECHAR : I merely wanted to put it in this way. We are asked to sanction expenditure from time to time on matters entirely beneficial to Bombay, and while we are asked to sanction such expenditure we want to draw attention to the fact that the other cities should be equally well cared for.

The Honourable the PRESIDENT : This is not the occasion for it.

Mr. N. A. BECHAR : If you rule it out of order.....

The Honourable the PRESIDENT : I think it is irrelevant.

Mr. N. A. BECHAR : If it is not relevant, I will not proceed.

Dr. P. G. SOLANKI : Sir, I support the demand made by the Honourable Minister. The G. T. Hospital certainly does require an X-ray and Electro-Medical Department. But to my regret I find that a special post of a sister in charge is created. The general practice in Bombay and other hospitals is this. At the J. J. Hospital, there is no sister in charge, nor does the practice obtain in the King Edward Memorial Hospital, because the X-ray and Electro-Medical Departments are more concerned with casualties and out-door work, and there the medical man in charge is quite able to look after the work with the assistance of the

[Dr. P. G. Solanki]

other male staff. I do not think it is at all necessary to have a sister in charge for this work, but if the Honourable Minister does want to keep a nurse as it is done in the Soonderdas Medical College and Hospital, an ordinary nurse must be deputed for that work, and if it is really necessary I would request the Honourable Minister for Education to depute one of the Indian nurses for the work, a nurse trained in the nurses' course from the local Nurses' Association, and she may be given a moderate sum for the extra work which she will have to do. I do not think such a large sum should be spent for a sister in charge, who might perhaps be a raw nurse, just passed out of the nurses' course. With these words, I support the demand for the grant.

Mr. C. W. A. TURNER : Sir, I wish to inform the honourable House that the proposal is made following the advice of the Superintendent of the G. T. Hospital. The sister they propose to employ is a fully trained certificated sister, holding certificates from several medical institutions of Great Britain. They consider an expert nurse is essential for this work.

Dr. M. D. GILDER : The medical officers are there, they have got a sub-assistant surgeon there and there is the electrical assistant.

Mr C. W. A TURNER : I only wish to tell this House that this is the advice of our best expert. Dr. Gilder is no doubt an expert, but we have also....

An Honourable MEMBER : Who are your experts ?

Mr. C. W. A. TURNER : We have also to weigh the expert advice of the Surgeon General and the Superintendent in charge. These terms have been framed after a careful study of the terms in the X-ray branches of hospitals in Madras, and the salaries are on the same basis as the salaries given in Madras. I think therefore that the House will agree that these terms have been framed with some care and consideration by Government and their experts. Some of the honourable members seem to think that the allowances proposed are excessive, but I should like to inform them that they are the same as given in Madras.

Mr. F. J. GINWALLA : Is there not an X-ray Department in the Soonderdas Medical College ?

Mr. C. W. A. TURNER : Yes. The allowances for the Assistant and Sub-Assistant Surgeons are on the usual scale paid to officers who happen to work in the X-ray Department which, I may add, is very expert work and entails a certain amount of risk to the operator.

Dr. P. G. SOLANKI : On a point of information, is the sister in charge contemplated to be put in charge of this department a person who has received special expert training in X-rays, or is she an expert in the nursing profession only ?

Mr. C. W. A. TURNER : She is to be one who holds the certificates of C.S.M.M.G., M.E., S.R.E.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I would not have wished to take up the time of the House over a demand on which I think almost everybody is agreed, but for the fact that I think there is some necessity of guarding against an inference being drawn in case this demand is granted. I find that there are two donations from the same gentleman, one of which has been accepted by Government, and is now put before the House for its acceptance. The other donation is also for a similar object and is intended to make the X-Ray Department more useful. I find it is stated in the note that the acceptance of the donation of Rs. 10,000 by Mr. Samaldas is still under consideration. All that I want to suggest is that if this grant is accepted it does not mean that the House will be in a mood to accept the other when it is put before it. Government should be reluctant to add to their recurring expenditure when there are so many other demands to be satisfied.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I think the Honourable Minister is fortunate in not having very severe criticism from this side of the House. I should like to know the name, the qualification of the sister. The salary of the sister is 250—10—300 and the salary of all the members of the staff put together do not come to that amount. I therefore should like to know why the Honourable Minister has agreed to engage her. As has been pointed out by an honourable member, if an Indian sister can be found possessing the same qualifications, why should she not be put in this place? Certainly on a question of this kind which is likely to give rise to racial considerations this House is always very particular. I have already been anticipated in my remarks in connection with this from the honourable member from Sukkur. In such cases the Honourable Minister should try to see as far as possible Indian agency employed in hospitals. I hope he will satisfy this House in this respect and then of course there will be no difficulty in supporting the grant. I should like him to give a satisfactory explanation. It is not a party question when reason has no chance here. Without making any reflection on any one I should request the Honourable Minister to exercise his own mind upon this question.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I think the Honourable Minister must satisfy this House that he will advertise for the post and appoint an Indian sister. There are many Indian ladies receiving education and there are many Indian lady medical graduates. The work can be done by an Indian lady. Therefore we require an assurance that he will employ an Indian sister. If he is not prepared to give that assurance we will be compelled to vote against the demand.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I thank the honourable members for the constructive criticism they have offered on this question, which would be helpful in putting this scheme into operation. The proposals were originally made by Lieutenant-Colonel Hutchinson who was in charge of the hospital. Thereafter they passed through the hands of the Surgeon-General to the Government of Bombay. Relying

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upon the two experts the Government of Bombay have placed the estimates before this honourable House. I have taken note of the various suggestions that have been made by honourable members and the views expressed by them will receive due consideration. We are not committed to employ any one. We are not committed to the fact that a sister is absolutely necessary. But we will look into the matter, obtain advice and if necessary then only one will be engaged. Even in the selection of a sister the views of the honourable members will receive due consideration. I hope this assurance will suffice for honourable members to sanction this grant.

A question was asked by the honourable member Mr. Jairamdas why we have not accepted the other two donations. We do not want to add to our recurring expenditure and we did not even want to accept this donation without the consent of the House. That is why we have placed the scheme before the House for its sanction. The department will pay due attention to the remarks that have fallen from the medical members of this honourable House. I hope honourable members will sanction the grant.

Question put and carried.

\*Supplementary grant for Rs. 3,16,284 under 42, Civil Works for the Industrial Housing Scheme.

The Honourable Sir COWASJI JEHangIR : Mr. President, I rise to make a demand for a supplementary grant of Rs. 3,16,284 under 42, Civil Works. This does not represent any extra expenditure. This is merely a formal matter. A new account head has to be opened and the sanction of the Secretary of State has been received. I place this before the House for its approval.

Question proposed.

Mr. N. A. BECHAR (Karachi City) : Sir, the Honourable the General Member stated that it was merely a matter relating to book entry. In the previous debate I closely listened to the replies given by the Honourable the General Member but he failed to answer one pertinent point that was raised and that was with regard to the establishment of the chief engineers and other highly paid officials.

Rao Bahadur R. R. KALE : Is the honourable member in order in referring to a matter on which the debate has concluded ?

The Honourable the PRESIDENT : I was going to point it out. We deal with items as they appear and the discussion should be within the scope of that particular item. The matter referred to by the honourable member has been disposed of. We are here concerned with the demand arising out of a new system of accounting.

Mr. N. A. BECHAR : This includes Rs. 1,28,000 for establishment. I thought I was in order in trying to get a reply from the Honourable the General Member.

The Honourable the PRESIDENT : I do not think the honourable member is in order.

The Honourable Sir COWASJI JEHangIR : Mr. President, my honourable friend paid me the compliment of saying that he heard the speech with great attention, but I do not think he was present in the House. (Mr. N. A. Bechar : I was present). I do not think that any honourable member raised any question about the establishment ; if any had raised, it would not have been relevant to the subject before the House. I think the honourable member Mr. Haji Mir Mahomed Baloch said something about it, but I could not follow him, and since it was not relevant I did not reply to that point. I hope my honourable friend will take that from me as an explanation, if he considers that I omitted explaining any matters.

Question put and carried.

\* Expenditure due to damage caused by floods to irrigation works.

The Honourable Sir COWASJI JEHangIR : Mr. President, I beg to ask for a grant of Rs. 1,83,000 by way of transfer from 47-Miscellaneous (Reserved) to Irrigation (Reserved) including XIII-Working Expenses, 15-Other Revenue Expenditure financed from ordinary revenues" and 15(1)-Other Revenue Expenditure financed from Famine Insurance Grant. This, Mr. President, is due, as honourable members will notice from the note, to damage done by floods in Gujarat and Sind. We shall require this year Rs. 2,05,000 for Gujarat and Rs. 50,000 for Sind. We shall require another Rs. 2,55,000 for Gujarat during the next year, which will be provided for in the budget. Out of this amount of Rs. 2,55,000 we have got a saving of Rs. 72,000. Therefore, deducting the savings of Rs. 72,000 from the amount required we get a balance of Rs. 1,83,000 for which I make a demand.

Question proposed.

Mr. H. J. AMIN (Broach District) : Sir, I would like to know from the Honourable Member whether any provision is being made for repair to tanks damaged by floods which are not remunerative to Government. I think this amount is meant for the repairs of tanks and irrigation works which give some return to Government. There are hundreds of tanks, wells and channels which have been damaged and which require repairs. There are certain channels, owing to the non-clearance of which the whole of Gujarat was under water. There are also several new channels which require to be opened, and if they are not opened several areas will continue to be under water every year. In Broach district there are hundreds of acres under low lying area which require to be drained off by making channels. Sir, under the circumstances may I know from the Honourable Member whether he is making any provision for repairs of tanks and wells and for the opening of new channels ?

The Honourable the PRESIDENT : The Honourable Member in charge to reply.

The Honourable Sir COWASJI JEHangIR : Mr. President, my honourable friend will have noticed that the demand I make is for Irrigation Works under heads XIII, 15 and 15(1). There are certain wells under the Revenue Department for which my honourable colleague the Revenue Member will in time, I presume, ask for a grant. He does not propose to do so just now, but he will deal with that question. I am asking for a grant in respect of all tanks managed by the Irrigation Department which have been damaged in Gujarat. I have got a list here, a very comprehensive list, of all the tanks and the amount of money which has to be spent during the current year and the amount of money which has to be spent during the next year. I have got a similar list here for Sind with also maps. I cannot possibly, Mr. President, take up the time of the honourable House by reading out the names of all the tanks that have to be repaired. The list runs into pages. There is also provision made for drainage. All drains that have been damaged will be repaired. I am informed by the Superintending Engineer, who has visited Gujarat, that this list is a very comprehensive one and it is based on personal inspection by the executive engineers in charge of the districts. If in the future there are any tanks under the Irrigation Department which have been left out of this list, and if any honourable member from Gujarat will draw my attention to that I shall certainly make enquiries.

Mr. H. J. AMIN : I would like to draw the attention of the Honourable Member to the fact that there are a few irrigation tanks in Gujarat and a few drainage channels. Will the Honourable Member promise that he will send for reports from all the district local boards in Gujarat showing what new channels should be opened in view of.....

The Honourable the PRESIDENT : No speech can be allowed now.

. Rao Saheb D. P. DESAI : I thought that the Honourable the General Member was making his first speech.

The Honourable the PRESIDENT : I have marked that some honourable members feel that they do not get an opportunity to speak. I wait for a few moments before I call upon the honourable member in charge of any item to reply. If honourable members wish to speak, they should rise in their places. It is possible that they rise very often and do not catch my eyes, but it does not prevent them from rising again if they really wish to speak.

Mr. G. I. PATEL : Sir, may I make a request that before you ask the honourable member in charge to reply you will at least say "As no honourable member wishes to address the House, I call upon the Honourable Member in charge to reply?"

The Honourable the PRESIDENT : I did not say it in so many words, but I waited and as no one rose, I called upon the Honourable Member in charge to reply.

Mr. H. J. AMIN : Sir, may I be allowed to explain.....

The Honourable the PRESIDENT : I cannot allow any speeches now.



The Honourable Sir COWASJI JEHangIR : I should be very happy, Mr. President, to convince the honourable members that this is a comprehensive list. To prevent loss of the time of the honourable House, I suggest that my two honourable friends who were asking for information should see me later on ; I will show them this list, which will, I trust, convince them that it is a comprehensive one. It is the intention of Government to make good all the damages that have been caused by the floods in Gujarat and in Sind. I shall be very glad to see my honourable friends and show them this list, and take their advice.

Question put and carried.

The Honourable Mr. J. L. RIEU : Sir, I move a demand\* under 43-A Famine Relief for an additional provision of Rs. 10,55,076

Deposits and Advances—Famine Insurance Funds

Advances to Cultivators . . . Rs. 80,00,000

Deposits and Advances—Loans and Advances by

the Provincial Government . . . Rs. 63,53,000

Before I make any explanatory remarks with reference to these items I think the House will be interested to hear what information Government have in the way of an estimate of the losses that were suffered by the recent floods in Gujarat and in Sind. I have received reports from the Flood Relief Officer and the Commissioner in Sind obtained from the Collectors in Gujarat and Sind, and I shall give the House as briefly as possible a resumé of the information which I have before me. First as regards the extent of the floods, although honourable members will have gathered certain information on this point from the press, I think they will be interested to have it in somewhat greater detail.

As regards Gujarat, in the Ahmedabad District, Dholka Taluka suffered the most in extent, the whole taluka being seriously affected by the floods. Next came South Daskroi and Viramgam, which were affected to the extent of two-thirds of their total area. North Daskroi and Sanand suffered comparatively lightly, being affected to the extent of one-third only. Then as regards Kaira District, none of the talukas were wholly involved, but Matar and Thasra were affected to the extent of one-half, while Anand, Kapadvanj, Mehmedabad and Nadiad are each reported to have had one-third of their area devastated. The Panch Mahals did not suffer severely, though the greater part of the district was to a greater or less extent affected by the heavy rains, the greatest damage occurring in the Godhra and Kalol Talukas and the Halol Mahal. In Broach the area affected was fortunately very limited indeed, though in that area the damage was of an intensive degree. It represents one-fifth of the Amod Taluka and a very limited tract in Jambusar estimated at 1/32 of the whole area of the taluka.

As regards Sind, while the floods were restricted to only two districts, Thar Parkar and Hyderabad, their effect was very intensive. In the former district the whole of two talukas, Mirpurkhas and Digri, were devastated, while the damage covered half the Jamesabad taluka and one-third of Umerkot and Samaro. In Hyderabad, one-third of Guni Taluka

[Mr. J. L. Rieu]

was affected, two-fifths of Tando Bago and Badin, and one-fourth of Dero Mohbat. Other talukas suffered to a less extent.

Then as to the extent of the losses suffered in respect of standing crops, I have seen in the press various attempts made to estimate on a monetary basis the extent of this damage. I submit, however, that it is quite impossible to enter into any approximate estimate of the damage done. The estimates that have been made are absolutely fallacious in the sense they take the crops at their full value as though they had reached maturity or had been actually harvested and that consequently the losses involved by their destruction were irreparable. But as honourable members know, that is not a fact. The fact is that so far as Gujarat is concerned it has been possible to resow most of the kharif crops. I have the report of the Flood Relief Officer stating that almost over the entire area of devastation in Gujarat the crops have been resown, and I am glad to be able to inform the House that the prospects of a good harvest are at present very favourable. Therefore any estimate of loss that could be made would properly be only the difference between the value of the crops destroyed and the ultimate value of the crops reaped. To this must be added of course the cost of the seed lost and the extra cost of labour. With so many conjectural factors in the computation, however, it is clearly impossible to arrive at anything like a close estimate of the net loss suffered.

In Sind conditions are somewhat different. There the resowing of crops has been possible only to a limited extent. This is because the crops are for the most part dependent on inundation canals having a limited irrigational period. The floods came too late to admit generally of the resowing of the kharif crops, as there would have been no prospect of such resown crops getting the late waterings necessary for them. The great bulk of the area resown is in the Thar Parkar district, where the Jamrao affords a quasi-perennial supply and conditions were consequently more favourable for late sown kharif crops.

I do not wish to detain the House unduly, but I should like to place before it certain facts and figures which will give them some indication as to the proportionate extent to which the standing crops were destroyed by the floods. Taking again Gujarat and the Ahmedabad District first, the taluka where the damage was most intensive, as also most extensive in area, is Dholka, where the cotton crop was destroyed to the extent of 90 per cent. and the jowari and bajri 84 per cent. As regards other talukas, the cotton suffered from 60 per cent. in Prantij to 92 per cent. in Viramgam, that is, taking, as I shall do throughout, the extreme range of percentages; jowari from 40 per cent. in Dhanduka to 70 per cent. in South Daskroi, bajri from 50 per cent. in Modasa to 75 per cent. in North Daskroi. In Kaira, the Anand and Nadiad Talukas suffered most. The former taluka lost 80 per cent. of its til crop, 75 per cent. of its rice and tur, and 50 per cent. of its bajri, kodra and tobacco, while Nadiad lost 70 per cent. of its bajri, 75 per cent. of its pulse crops and 80 per cent. of its til. As regards other talukas, the percentages of loss ranged in the

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case of bajri from 20 per cent. in Kapadvanj to 70 per cent. in Matar ; rice 10 per cent. in Kapadvanj to 40 per cent. in Matar ; kodra 25 per cent. in Mehmedabad and Thasra to 35 per cent. in Borsad ; cotton 35 per cent. in Thasra to 50 per cent. in Matar and Kapadvanj ; til 40 per cent. in Matar to 50 per cent. in Thasra. As regards the Panch Mahals, Godhra lost 40 per cent. of its maize, 30 per cent. of its cotton and bajri, while in Halol Mahal the losses in maize and cotton amounted to 70 per cent. and 75 per cent. respectively. In Broach the proportion of loss in the affected part of Jambusar taluka was cotton 72 per cent., til 78 per cent., bajri 24 per cent. and tur 18 per cent ; while in Amod the proportion for cotton was 62 per cent.

In the case of Sind the proportions of losses in the flooded areas are as follows : Guni taluka, rice 33 per cent. and cotton 12 per cent ; Dero Mohbat, rice 60 per cent. and cotton 80 per cent ; Tando Bago, rice and cotton 45 per cent., bajri 25 per cent. ; Badin, rice 40 per cent. Finally the figures for Thar Parkar district are—Mirpurkhas, cotton 40 per cent. ; Digri, cotton 62 per cent., bajri 95 per cent., jowari 90 per cent. ; Jamesabad, cotton 60 per cent., bajri 50 per cent. ; Umarkot, rice 25 per cent., cotton 30 per cent. and bajri 33 per cent. ; Samaro, rice 30 per cent., cotton 50 per cent. and bajri 25 per cent.

Well, so much for the losses in crops. The Commissioner in Sind has furnished some interesting information about the prospect of rabi, which I should like to communicate to the House. He has also been able to make a rough estimate of the remissions that are likely to be made. These in the Hyderabad district amount to Rs. 2,44,000 and in the Thar Parkar district Rs. 1,35,000—total about Rs. 3,80,000. The approximate area likely to be given on *eksali*—I mention this because members from Sind have been very interested in this subject and have repeatedly advanced requests that land should be given out on *eksali* as extensively as possible, all restrictions on canals being removed—the anticipated area of *eksali* cultivation is, in Hyderabad, 34,300 acres and, in Thar Parkar, 44,900, making a total of 79,200 acres.

Then, I have mentioned the limited extent to which in Sind it was possible to resow with kharif crops. The area that has been resown in this way, namely with bajri in the Hyderabad district is 9,900 acres, and in Thar Parkar 41,800 acres, a total of 51,700 acres odd.

Then, there is an interesting comparison between the average annual area under rabi and the area expected under rabi this year. In Hyderabad the average is 112,000. This year it is expected that it will rise to 137,000. In the Thar Parkar district the average is only 36,700, and this will rise, it is hoped, to 83,900.

Then, I come to losses of cattle. Fortunately, Gujerat has suffered very little in this respect, and especially in the matter of cattle essential for cultivation the losses there have been almost infinitesimal. The estimates, of course, are very rough but according to them, the total losses in Gujerat of cattle—and that includes not only horned cattle, but donkeys, sheep and goats—amount in value to Rs. 1,98,000. But in Sind, unfortunately,

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the losses are far greater. In Hyderabad, they amounted to Rs. 3,40,000 ; and in Thar Parkar to Rs. 8,34,000 ; making a total for Sind of Rs. 11,74,000, as compared with Rs. 1,98,000 for Gujerat.

Then, we come to the biggest item of losses, houses and movable properties other than cattle. The figures under this head, as honourable members will not be surprised to hear, are very large indeed, though here again it is necessary to emphasize the fact that the figures are necessarily only approximate. I do not think honourable members wish to hear the totals for each district separately and I will therefore give only the totals for Gujerat and Sind respectively. The total for Gujerat is Rs. 3,09,67,000. That includes Ahmedabad City. The total for Sind is much less, being only Rs. 33,33,000.

So much for the losses, and now for the measures which Government propose to undertake to repair them, so far as it is within their power. You will see at the end of the statement which supports this demand that there are three distinct items. The first item is one of Rs. 10,55,076. This is for direct expenditure, that is to say, expenditure which will not be eventually recoverable as is largely the case of the other items. This sum is made up as follows : Government have decided to give free grants for rebuilding to the very poor people and depressed classes—a total sum of Rs. 10,00,000, which will be available for both Gujerat and Sind.

Mr. H. J. AMIN : Will the honourable member say how the allocation is made district by district ?

The Honourable Mr. J. L. RIEU : There is no allocation as between the different districts. The Flood Relief Officer has full authority to disburse the sums according to actual requirements. There was no proposal to allocate amounts district by district. We hope that we shall be able to meet all reasonable demands under this head.

Mr. H. J. AMIN : District by district, what was the amount ?

The Honourable Mr. J. L. RIEU : I have no separate figures showing requirements by districts, nor even any figures for the whole of Gujerat. It was estimated that this sum of Rs. 10,00,000 would cover all reasonable demands for free grants. But this can be verified only when the distribution actually takes place.

Rao Saheb D. P. DESAI : What is the demand expected in respect of loans ?

The Honourable Mr. J. L. RIEU : The demand in respect of loans has been roughly guessed as—it can only be a guess at present—one crore and fifteen thousand. That is for loans, but it is, as I say, purely guess work. We shall only know the total amount of the actual demand as applications come in. These figures of demands were collected before Government had finally considered the question of the terms on which they would be prepared to give loans, and the terms will necessarily affect the ultimate demand. Many people who might have put in applications for loans in the expectation that they would be

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getting them entirely free of interest or on very liberal terms might withdraw their applications on hearing the terms finally decided. And of course *vice versa*. Included in this item of Rs. 10,00,000, as will be seen from a reference to item No. 4 is a sum of 2 lakhs provided for the purchase of corrugated iron sheets. These corrugated iron sheets are being actually provided by the Central Flood Relief Committee, who are arranging for their purchase and despatch to various distributing centres. As announced in the statement, a sum of Rs. 1,18,531 has already been spent in this manner, but I understand from later figures that the full amount of two lakhs has since been reached and that the Flood Relief Committee have lately asked for authority to proceed with the purchase of corrugated iron sheets to the extent of another two lakhs. This authority has been given.

The next item is...

Mr. H. J. AMIN : Will relief be given in the shape of free food and clothing ?

The Honourable Mr. J. L. RIEU : No, relief is only given for purposes of re-building. As the honourable member knows, the greater part of the expenditure on ordinary charitable relief is being incurred by non-official charitable organisations including the Central Flood Relief Fund, assisted by a grant of 3 lakhs from the Indian People's Famine Fund, while Government expenditure has been confined under this head to such expenditure only as was urgently required in places where charitable funds were not available. In the circumstances it was bound to be comparatively small.

Then, there is an amount of Rs. 50,000, which is made up of various small amounts, such as Rs. 15,000 for the free distribution of seed in Broach district, Rs. 5,000 for urgent relief in Broach district and Rs. 5,000 for urgent relief in Viramgam taluka ; while a sum of Rs. 15,000 has been allocated to the Chief Conservator of Forests for the provision of bamboos, rafters and other materials for reconstruction as is explained in item No. 3.

Finally, there is a sum of Rs. 10,000 referred to in item No. 5, which has been placed at the disposal of the Director of Agriculture for the supply of seeds, implements and bullocks for re-sowing in Gujarat.

Then, there are two items (1) for the establishment of the Flood Relief Officer, Rs. 2,076, and (2) Rs. 3,000 in connection with the appointment of a flood reconstruction officer in the Thar Parkar district.

That makes up the total of Rs. 10,55,076.

If the honourable members will add up the next two items, they will see that they come to Rs. 1,43,53,400. This represents the extent of the loans which Government are at present prepared to make. The total sum is made up first of Rs. 1,15,00,000, which is for advances for reconstruction. At the beginning of this session, I announced to the House the terms on which these loans would be made. I wish to explain that this sum of 1,15 lakhs is necessarily largely a matter of surmise for, as I

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have just stated, it is impossible to say what the actual demand will be until the people know the terms on which we are prepared to advance money to them.

Then comes an item of six lakhs which it is proposed to place at the disposal of the Registrar of Co-operative Societies for financing co-operative housing societies, both in urban areas and in rural areas. The terms on which these societies will make loans to their members will be similar to those on which Government will advance money to the direct applicants.

A sum of Rs. 25,000 has been advanced free of interest to the District Local Board of Broach for opening cheap grain shops. In other districts non-official agencies have arranged for the establishment of cheap grain shops, but there was no such organisation ready in Broach, and the District Local Board accordingly made an application for a loan of Rs. 25, 000 free of interest, and this was sanctioned.

There is an item of Rs. 18,28,460 for the purchase of seed, cattle, etc. The details of this amount are given in item No. 8 as follows:—

	Rs.
Ahmedabad .. .. .	5,00,000
Panch Mahals .. .. .	26,500
Kaira .. .. .	5,00,000
Thar Parkar .. .. .	6,00,000
Hyderabad .. .. .	1,51,000
Broach .. .. .	50,000
Total .. .. .	18,28,460

In connection with that, I think the House is probably aware that Government agreed to advance money free of interest so far as loans were required for the purchase of seed. This was a concession for re-sowing kharif crops, which was amply justified by the special circumstances of the case, but for rabi sowings no such concession was required, since there had been no previous loss of seed. The case of rabi sowings in Sind, however, has been separately considered. As I have already explained, the extent to which Kharif crops in Sind could be resown was very limited. Government have therefore decided that where kharif crops are re-sown in rabi, i.e., as *dubari*, loans for the seed required for such *dubari* crops should be given free of interest. But for pure rabi, the usual terms will apply.

MOULVI RAFIUDDIN AHMAD : What is the amount for Sind ?

The Honourable Mr. J. L. RIEU : We have no separate figures in the case of Sind for kharif and rabi takavi respectively. For Gujarat there is a provision of four lakhs estimated to be required for rabi seed. As regards Sind it is probable that the sums already allotted will cover the rabi requirements also, and I doubt whether there will be any further demand for rabi. There may be a few places where more rabi takavi will be required, but in the Commissioner's report the column of such requirements

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has been left blank, from which I infer that we need not expect any further demand for rabi seed. The amounts already allocated to the two districts of Hyderabad and Thar Parkar will probably be sufficient to meet the demand for both kharif and rabi but if any further applications for allotments are received they will of course be met.

Well, I have now accounted for the aggregate of Rs. 1,43,53,000, which will be given out in the shape of loans for various purposes. To make up this sum, we propose to draw on the Famine Insurance Fund to the extent of Rs. 80 lakhs. The balance of Rs. 63,53,400 will be drawn from the general balances at the disposal of Government.

Mr. J. B. PETIT : Is it from current revenue ?

The Honourable Mr. J. L. RIEU : It is from ordinary provincial balances. I now ask the House to sanction these provisions.

Mr. H. J. AMIN (Broach District) : Will the Honourable the Revenue Member kindly say whether Government is going to give loans to the agriculturists to repair the wells used for agricultural purposes which have been damaged by the floods and which, unless put in order before the next season, cannot be utilised for irrigation in the whole of the Kaira and Ahmedabad Districts. Thousands of wells have been damaged. Are Government going to help the owners of the wells by giving them tagavi ? Also, are Government going to give loans.....

The Honourable the PRESIDENT : Order, order. I think the honourable member can address himself on those points when it comes to his turn to speak on the demand. But I must first put the demand before the House, and then in reply to his questions he can get all that he wants from the Honourable the Revenue Member.

Question proposed.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I am rather disappointed with the amount allotted by the Honourable the Revenue Member for relief operations in the flood affected areas of this presidency. I shall touch the question of building grants, that is, loans for building houses. The Honourable the Revenue Member has already stated that from Gujarat districts alone the official demand made by the Collectors was in the neighbourhood of Rs. 1,33,00,000.

The Honourable Mr. J. L. RIEU : I may inform the honourable member that that sum includes the Rs. 10 lakhs that Government have separately given in the shape of free grants.

Rao Saheb D. P. DESAI : But when we can see that the actual loss in house property amounts to about Rs. 3 crores in Gujarat.....

The Honourable Mr. J. L. RIEU : This is not only on account of house property, but includes all moveable property ; a very large sum is accounted for by ordinary moveable property, for which Government assume no responsibility.

Rao Saheb D. P. DESAI : In any case, the demand made by the Collectors for Rs. 1,33,00,000.....

The Honourable Mr. J. L. RIEU : This is not a demand made by the Collectors. It represents the applications reported by the talatis and passed on. The Collectors have in no way given their authority for the applications. They are unchecked statements.

Rao Saheb D. P. DESAI : Sir, I am sorry that the figures collected by the talatis were forwarded by the Collectors to Government without checking them, and Government have taken those figures as a basis for setting apart grants for affording help to the people affected by the floods. It must however be remembered that, when these statements were prepared by the talatis, many of the cultivators had kept themselves aloof, on account of the impression created amongst them that the interest charges would amount to about 8 per cent. and that the joint bond system would also be enforced. Owing to these impressions, the people did not come forward to state their demand, and we have reason to believe that even this inadequate demand of Rs. 1,33,00,000 is the minimum demand which the people require for building houses. In this connection, I would just refer the Honourable the Revenue Member to another set of figures prepared by Mr. Vallabhbhai's agency ; I think those figures are quite accurate. Even in those figures, many cases may have been left out under the impression that Government would after all charge 8 per cent. interest ; still, I can say that those figures are pretty accurate. I would request the Honourable the Revenue Member just to refer to the figures prepared by Mr. Vallabhbhai's agency for the flood stricken parts of Gujarat, and to make it possible, either from the Famine Fund or from the general balances, to make a provision for the additional amount required. I would request him to write to the Collectors informing them that the former statements prepared by the talatis were prepared under the impression that the loan to be issued by Government would be a sort of tagavi loan and that a high rate of interest would be charged. And therefore they should remove that impression from the minds of the people and prepare fresh statements of the demands of the people. I consider that these fresh statements should be checked with the figures arrived at by Mr. Vallabhbhai's agency, and on that basis should be fixed the grants for house building at least for Gujarat. Otherwise, what will happen is that many a person will be left out, and perhaps will not find money enough to construct his house. Again I request him to remember another fact. In the proposed loan the town of Nadiad has been left out and the city of Ahmedabad also is left out. In these towns if the sufferers want help from Government loan it should be given to them.

The Honourable Member has made a statement with regard to crop estimate and that statement should not go unchallenged. I request the Honourable the Revenue Member to remember that with regard to the Kaira district about which I can speak with some authority, the bajri crop is the staple crop. It is grown over an area of about 1,60,000 acres. The whole bajri crop is gone and the honourable member if he likes can ask the Collector whether the bajri crop has suffered only to the extent of 50 per cent. He can refer the matter to any agricultural officer. The yield of bajri crop is insignificant, hardly an anna or two. As regards



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rice crop it may be somewhat less than 4 annas. Jowari was sown after the floods. It is not a cash crop and it is sown for fodder only. As people were afraid that there would be scarcity next year they have sown jowari for fodder. As regards tobacco crop the subsequent rains have spoiled it. Kodra mixture has suffered to the extent of 75 per cent. As regards cotton I do not think the Honourable the Revenue Member is correct in his estimate. No estimate can be made about this crop at present.

The Honourable the Revenue Member has not referred to the other losses, the invisible losses, the cultivators may have suffered. The fertile upper soil has been washed away and so the crops sown subsequent to the floods will not thrive and flourish. If he refers the matter to the Collector and other Government officers, if they are conscientious, they will bear me out in that statement.

I now come to the very important question. I hope honourable members will agree with me when I say that the famine insurance fund should not be lent on interest as it is now proposed to be done. The sum of 80 lakhs which is proposed to be given as loan should be without interest to the cultivators and that for this reason: Take for instance the Matar taluka. In that taluka the co-operative societies have lent to the extent of over a lakh of rupees. There is Government tagavi to the extent of Rs. 50,000. To add to that there are Sowkar's debts and heavy land revenue assessments, which, I regret to say, work at 75 to 94 per cent. of the rental. How can that taluka pay interest on your loan? You must at least have pity on the poor fate of the cultivators of that taluka. The same state of affairs exists in the other talukas also. I took the Matar taluka as an instance only to show that interest on the proposed loan would bring down the cultivator like anything. It will bring them down to such an extent that Government may lose their revenue. This will tend to drive the cultivators away from that taluka. Five years ago, I brought to the notice of the present Leader of the House that the policy pursued by the co-operative movement was such that it would make the cultivator more and more indebted. I instanced the case of the Matar taluka. Now it has come to be true. When the Honourable Minister for Agriculture had come to the Kaira district, the penal rate of interest charged by co-operative societies was 18 per cent. The assistant registrar informed him that I was giving an incorrect statement. The assistant registrar was lying before the Minister of Agriculture....

The Honourable the PRESIDENT: The honourable member should have said that the assistant registrar was not making a correct statement.

Rao Saheb D. P. DESAI: Subsequently enquiries were made, and I find that I was right and he was wrong. I just give it as an example to show that even if you advance loans at a rate of interest in the neighbourhood of 6 per cent. it would only bring down the cultivator. That being so, I say that the loans advanced from the Famine Fund should be free of interest to the cultivators who usually owe a heavy debt to co-operative societies, sowcars and to Government.

[Rao Saheb D. P. Desai]

The next point is, that the Agricultural Department has not taken up the question of wells destroyed. My honourable friend from Broach told us that many wells have been destroyed in Broach; the same is the case in the Kaira district. It has been shown that these wells provided a means of livelihood to the cultivators. Therefore, people whose wells have been destroyed, should be provided loans from the Famine Fund. This is as regards Gujarat. If we turn now to Sind, I think the amount provided should be increased by 50 lakhs. I am, therefore, disappointed with the statement presented by the Honourable the Revenue Member, and I request him to get his statement revised.

Mr. H. J. AMIN (Broach District): Sir, I rise to request the Honourable the Revenue Member to call for a statement of the number of wells used for agricultural purposes, which have been destroyed by floods and heavy rains in Kaira and Ahmedabad districts. Of course there are several wells used for drinking purposes which have also been destroyed but that is a matter for the Honourable Minister for Local Self-Government, those wells being under district local boards. I know that for the repair of wells used for agricultural purposes a very big amount will be required, and I wish to draw the attention of the Honourable the Revenue Member to it.

Another important fact to which I wish to draw the attention of the honourable member is, that this is the right time to help municipalities to open their congested areas. The municipalities of Ahmedabad, Dholka, Dakore, Nadiad and other places have been affected by the floods and thousands of houses have fallen. This is the time, before new houses are constructed, to open up congested areas if any. If the municipalities require loans to acquire those houses they should be given to them to enable them to acquire the same.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Mr. President, the note which has been placed before the House by the Honourable the Revenue Member along with the figures quoted by him in his speech shows that the investigations made by Government so far are not perfectly satisfactory. I would request the Honourable the Revenue Member that whenever he has to quote such figures before the House, he would place them in our hands at least a day before he uses them for discussion in this House, so that we may be able to carefully examine them and place our views before him. In the present case he has sprung upon us quite suddenly a variety of complicated figures which were not known to us, and those figures being collected by officers of Government do not satisfy this side of the House and are difficult to be challenged on the spot. As my honourable friend Rao Saheb Dadubhai Desai stated, the figures collected by non-official agencies in Gujarat tell a different tale than those collected by Government through their own agents.

The next point is, the amount that has been proposed to be distributed for the relief of the people who have suffered by the floods is too meagre,

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in view of the position of Government and the revenue which Government derive annually from these agriculturists. I may be permitted to point out that the private agencies in Ahmedabad and Bombay have collected funds through means of persuasion to the extent of over 25 lakhs of rupees. Of this, I may mention, in Ahmedabad alone over three lakhs have been collected for distribution by way of free relief. There has also been another fund started for the purpose of granting loans to re-build houses. I would request the Honourable the Revenue Member to consider the amount that has already been so far collected by private agencies. Already 7 lakhs have been distributed from private funds for relieving the flood-affected people, and this mighty Government with an annual revenue of 16 crores to-day declares on the floor of the House that they are going to distribute a meagre sum of 10 lakhs of rupees. That is a matter of great dissatisfaction to us.

As regards the amount that is to be given by way of loans, I would point out that the word "loan" has a special meaning; it has got a technical atmosphere. When a loan is to be granted, not by any other body, but by Government, and that it is to be recovered by them at a later date, I would ask my honourable friend just to consider what would be the impression left in the minds of poor agriculturists who take loans from the Government on the terms usually proposed by Government. As my honourable friend Rao Saheb Dadubhai Desai suggested the loan should be extended with a well-intentioned motive and no interest at all should be charged from the agriculturists. That would be a perfectly justifiable position; but if Government cannot go to that extent, they should at least forego the interest on the loan for at least half the period within which the loan is to be repaid and charge nominal interest only for the remaining half of the period. When you give a "loan" and "recover" it "with interest," it would be chimerical to suggest that you are giving relief to poor agriculturists. It does not appeal to anybody's reason. I do not wish to criticise the Government for what they have done. I am prepared to extend my compliments to them for the way in which they have tackled the question. But my complaint is that this question has not been tackled in the true spirit. They have only been able to touch the fringe.

There are three points which I would like to bring to the notice of Government. The first is that the actual amount to be given away for relief is too small as compared with the annual revenues which Government consistently derive from the agriculturists. Secondly the amount which is proposed to be granted as loan though it appears big on papers, is going to be realized again by Government in the treasury with a certain amount of interest. So, that does not fall under the class of giving 'relief.' The third and vital question is about the assessment. This question is intimately connected at this stage with the interests of the agriculturists. My honourable friend the Revenue Member admits that so many percentage of crops were destroyed. He further admits that there is resowing of crops. But he safely forgets that these crops were again damaged by further rains. What is the condition of the

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people in those areas ? I may give the instance of Viramgam where on account of the second rains the resown crops have again been destroyed. In a majority of cases the agriculturists have been ruined and I think Government should come forward and give relief to them in the matter of assessment also. When Government themselves admit that people have been ruined, when they advance loans for buying seeds and for reconstruction, etc., and when they are giving them free assistance in certain matters it is but straight and honest that they should give an assurance to those people that they will get relief in the matter of assessment for the year.

With these few remarks I will request the honourable the Revenue Member to reconsider the matter in the light of the suggestions which I have made. I may tell him that apart from Bombay we have raised more than Rs. 3½ lakhs in Ahmedabad for giving free relief, not in the nature of a loan, but to be given away altogether. We have got another reserve for loans for the rebuilding of houses, etc. The latter loans will be with sliding interest. Before the discussion of this matter ends I hope the Honourable the Revenue Member will be able to announce to the House that the loan which Government intend to give will be without interest or at least for the first half of the period it will be without interest and for the second half it will bear a nominal interest and that the assessment in the case of the agriculturists whose crops have been destroyed or damaged will not be recovered from them. With these suggestions I will leave the matter to the discretion of the Honourable the Revenue Member and the Honourable the Leader of the House so that they may reconsider and declare the intention of Government to us at a later stage.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) (Addressed the House in Sindi): Sir, the calamity that has this year overtaken Thar Parkar district and Tando division in the Hyderabad district, is a very unfortunate one and has placed the poor agriculturists in a woeful plight.

The houses, properties, crops and lot of cattle of these poor cultivators have been destroyed completely in very many tracts in these two districts. The condition of the people is such that it deserves pity, particularly when one goes and makes an observation of the villages that have been completely washed away and many people have been deprived of their houses, by this catastrophe, so much so that their women and children are perishing in the heat and it is still more feared owing to the cold season which is soon to set in. Their having been rendered houseless, it could easily be imagined than described what the state of things must there be.

This was the calamity which never occurred in the past even if we were to turn the pages of the history of Sind. The old men in their eighties even cannot be witnesses of such an occurrence that the places where two or three inches is the average rainfall, there was over 30 inches rainfall.

[Khan Bahadur Ghulam Nabi Shah]

I have personally seen the flood-stricken villages and tracts of which the prominent are, the portion of Mirpurkhas town called "Gharibabad" village of "ghudo" and numerous other small villages. Messrs. Devdhar and Devle came to pay a visit to these flood-stricken parts, in order to have a first hand knowledge of Sind floods.

When I interviewed them, they made an honest and frank admission that the havocs caused by floods in Sind are in no way less than in Gujarat, hence Sind deserves equal help and relief.

The Honourable the Revenue Member has fully described the extent of the loss in each taluka of these two districts, so it is no use traversing the whole ground again. I content myself by merely mentioning that the officers who came to visit these parts, simply visited those places where they could conveniently reach. They could not have therefore possibly made the correct or accurate estimate of the loss. In my view the loss is more than a crore of rupees in Thar Parkar district alone. It is however not so necessary to dispute this point, but what is really needed at this stage is the help or relief that Government propose to render.

The Honourable Member stated that there will be lot of rabi cultivation, but I do not agree to that. I can say on authority that the rabi crop will hardly be one-twentieth of the loss. People will take not less than ten or fifteen years to regain the old position in these parts, that also if the following methods are adopted by Government. Firstly the people be given free grants for housing; secondly the Tagavis on interest will not help much, as people will never be able to pay the interest and in most of the cases, they will not be able to pay back the loan even. I therefore suggest that loan free of interest may kindly be advanced to them, at least for first three years. Similarly for immediate maintenance grants may be made till their rabi crops are ripe to make their living on.

Thirdly the tagavis given should be kindly allowed to be paid back by easy instalments in ten or fifteen years.

If the Honourable Member visited the spot personally, he will, I am sure, agree to good many constructive proposals that I have made. With these few words, I support the grant.

Mr. J. B. PETIT (Bombay Millowners' Association): Mr. President, I think the Government deserve to be congratulated upon having tackled the situation with the readiness and spontaneity with which they hastened to the relief of Gujarat and Sind in their great distress. I think many of the members who preceded me, have not exactly realised this situation. But, Sir, I would like Government to give this honourable House a more definite idea of the exact relief they have been able to give. I do not think the figures that have been given to us, give us this idea quite clearly. I would like the Honourable the Revenue Member, when he replies, to tell us exactly the total amount of the grant that has been given, the total amount of the loans that have been advanced for different purposes, the amount of interest that he proposes to charge on them,

[Mr. J. B. Petit]

and the period over which the loans will be spread. I do not think that this has all been made quite clear.....

The Honourable Mr. J. L. RIEU : I made a full statement to the House only a little while ago. I can give the honourable member the details if he wishes to have them separately. But I made a full statement to this House, and as regards Tagavi loans, he will see.....

The Honourable the PRESIDENT : I think the honourable member should take his opportunity in reply.

The Honourable Mr. J. L. RIEU : Certainly, Sir.

Mr. J. B. PETIT : We would like to know what the total amount of advances would come to. As far as I am able to see, it would be Rs. 3,28,00,000. Is that correct ? The two figures which are before us are Rs. 80 lakhs and Rs. 63 lakhs, which give a total of Rs. 1,43,00,000, to which may be added rupees one crore and odd, unless that is included in it. (An Honourable Member : No ; that is not correct.) Then it comes to Rs. 2,20,00,000. We would also like to know the exact figures of the loans so that the House may get a correct idea of the advances to be made. I would also like to know,—I did not exactly follow the Honourable the Revenue Member,—from what funds the provincial Government is to give the advances for which arrangements have been made. Are these to come out of the permanent balances of the Government of Bombay or from current revenue ?

The Honourable the PRESIDENT : The House will now adjourn till half past one to-morrow and I would request honourable members who wish to speak on this subject to be in their places in time, because after a limit of discussion, as usual, a closure may be moved.

The Honourable Sir CHUNILAL MEHTA : I just want to point out, Sir, that we have the Public Accounts Committee meeting to-morrow morning, which usually lasts till about half past one, and therefore.....

The Honourable the PRESIDENT : I thought I was complying with Government wishes in suggesting 1-30 p.m., because it was said day before yesterday that "from day after to-morrow" the House might sit from 1-30 to enable the Government business to be finished.

The Honourable Sir CHUNILAL MEHTA : We did not think, Sir, then of the Public Accounts Committee meeting. To-morrow is a Government business day and Government business may perhaps be finished to-morrow. If Government business is finished to-morrow, then it may not be necessary to sit from 1-30. To-morrow we have the Public Accounts Committee meeting, which usually lasts till half past one, and so, if you, do not mind, we could meet at the usual hour to-morrow at 2 and, if more time is required for Government business, then thereafter we may consider sitting from 1-30.

The Honourable the PRESIDENT : I thought I was complying with Government's own wishes ; very well. The House is adjourned to 2 p.m. to-morrow, Wednesday, the 12th October 1927.

*Wednesday, the 12th October 1927*

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 12th October 1927, at 2 p.m., the Honourable the President Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 ADDYMAN, Mr. J.  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BELL, Mr. R. D.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESAI, Rao Saheb D. P.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HATCH, Mr. G. W.  
 HOTSON, the Honourable Mr. J. E. B.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
 JEHANGIR, the Honourable Sir COWASJI  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED

JOG, Mr. V. N.  
 KALE, Rao Bahadur R. R.  
 KARKI, Mr. M. D.  
 KHUHRO, Mr. M. S.  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. G. I.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 POOLEY, Mr. C. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Are there any new members desirous of taking their seats ?

Mr. J. Ghosal then made the prescribed affirmation of allegiance to His Majesty the King Emperor and took his seat in the Council,



The Honourable the PRESIDENT : Questions.

### JURORS, BROACH

Mr. H. J. AMIN (Broach District) : Will Government be pleased to state—

(a) whether a list of jurors is maintained at Broach ;

(b) if so, what is the number of jurors and the date when the jury was last summoned ?

The Honourable Mr. J. E. B. HOTSON : (a) No list of jurors has been prepared for Broach because the jury system is not in force in that District.

(b) Does not arise.

### REGISTRATION : PHOTO COPIES

Mr. H. J. AMIN (Broach District) : Will Government be pleased to state—

(a) the actual amount saved on account of the introduction of the photo-copying system of registration in the City of Bombay ;

(b) whether it is a fact that the incorporated law society and solicitors have protested against this system of photo-copying of documents tendered for registration ;

(c) the names of the registration offices in the mufassil where the photo-copying system has been introduced upto now and the amount of saving effected upto now on that account ;

(d) the actual expenditure incurred in the Registration Department during each of the last four years ;

(e) whether it is a fact that the system of photo-copying has been introduced in the Registration Department after a trial of only a year or two ;

(f) if the reply to the above is in the negative, after how many years' experience the said system has been introduced ;

(g) whether it is a fact that the photo-copies fade within less than ten years ; if not, for how many years such copies are known to retain the freshness and clearness of an original impression ;

(h) how many photographic artists in the City of Bombay and elsewhere were consulted by them in regard to the endurance of the photographic impression ;

(i) whether they are aware of the fact that the copies of documents which are illegible cannot be accepted in evidence in the courts of law ;

(j) if the reply be in the affirmative, what arrangements they have made to surmount the difficulty in getting true copies of the original documents whenever they are required in case the photo-copies are illegible ?

The Honourable Mr. G. B. PRADHAN : (a) and (c) As stated in the reply to Mr. Gunjal's question printed at page 151 of the Council Debates, Vol. XVII, Part II, 23rd February 1926, the amount saved during the period from April 1922 to March 1925 in the various registration offices to which the photo-copying system has been made applicable was

Rs. 89,712 and savings at the same rate have been maintained. The actual saving after March 1925 has not been calculated as it would involve considerable labour in calculating copying charges for all the documents. Information regarding Bombay City is not available, but will be obtained if the Honourable Member desires it. The system has been introduced into the following offices in the mofussil :—

Bandra	Ahmednagar	Satara
Walwa	Karad	Haveli I and II
Haveli III	Ambegaon	Bhimthadi
Indapur	Dhond	Junnar
Mawal	Sholapur	Ahmedabad.

(b) They have criticised the system.

(d)

Year				Amount Rs.
1923	..	..	..	6,32,187
1924	..	..	..	6,18,290
1925	..	..	..	6,15,451
1926	..	..	..	6,39,422

(e) No.

(f) No trial was required because as is well known the Ferro-prussiate Process gives permanent prints.

(g) No. The prints are permanent.

(h) It was not necessary.

(i) Yes.

(j) The public are supplied with manuscript copies, except when they apply for photo-copies at the time of presentation of documents.

#### CLERKS IN GOVERNMENT SERVICE

Mr. R. S. ASAVALE (Bombay City North): Will Government be pleased to state—

(a) the total number in the clerical ranks in the offices of various departments of—

- I. the Secretariat,
- II. the Public Works Department,
- III. the Bombay Collector,
- IV. the Bombay Excise Commissioner,
- V. the Bombay Small Causes Court,
- VI. the Bombay High Court,
- VII. the Bombay Police Courts,
- VIII. the Bombay Police Commissioner's office ;

(b) of those mentioned in (a)—

- I. the number of Marathas and allied castes,
- II. the number of Muhammadans,
- III. the number of depressed classes,
- IV. the number of advanced Hindus,
- V. the number of Parsis,
- VI. the number of Christians and Jews ?

The Honourable Sir CHUNILAL MEHTA: The information has been called for,

## RECORD OF RIGHTS : SUPPLY OF COPIES

Mr. B. V. JADHAV (Satara District): Will Government be pleased to state

(a) whether under rule No. 137 (2) made under the Land Revenue Code the revenue patil cannot give a copy of entries in the record of rights ;

(b) whether they are aware that when a talati has more villages than one, the copy is not given by him within the statutory period of ten days and thus great inconvenience is caused to the parties ;

(c) in case the reply to (a) above be in the negative, whether they intend to confer upon the revenue patils the power to give such copies in such villages whose revenue patils are literate and able to give such copies themselves ?

The Honourable Mr. J. L. RIEU : (a) The Revenue Patil cannot give such copies.

(b) No such cases have come to the notice of Government but delay is at times inevitable.

(c) No ; because such a course would be calculated to divide responsibility between the talati and the revenue patil and it would be difficult to fix it in the event of the records being tampered with.

## MURDER IN TRAIN TO IGATPURI

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR (Southern Division) : Will Government be pleased to state-

(a) whether they have heard about the brutal murder of a Marwari traveller in the G. I. P. Railway train to Igatpuri on or about the 8th of September 1927 ;

(b) if so, whether they will be pleased to place the full details of the investigations on the Council table ;

(c) whether they propose to take steps to compel the G. I. P. Railway management to take the requisite precautions to safeguard the lives and properties of the railway travelling public ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) No. To do so would not be to the public advantage.

(c) Any suggestions the Honourable Member may think it proper to make will no doubt be duly considered either by Government or by the Railway Company.

Mr. R. S. ASVALE : Was the gentleman murdered a Marwari or a Bhatia ?

The Honourable Mr. J. E. B. HOTSON : I am afraid I did not look into that point.

Mr. R. S. ASVALE : Are the Railway Company not in a position to make their own arrangements for the safety of the lives and property of the passengers travelling by their line ?

The Honourable Mr. J. E. B. HOTSON : I believe so.

## REGISTRATION DEPARTMENT : PAY

Dr. P. G. SOLANKI on behalf of Mr. S. C. JOSHI : Will Government be pleased to state definitely and clearly—

(a) whether it is a fact that the revision, pay and prospects in the Registration Department were under consideration since 1917 before the issue of general orders for revising the pay under Government Resolution No. 438 of 26th June 1920 ;

(b) what was the scale proposed to be given before 1920 in view of the departmental requirements ;

(c) what was the basis taken for fixing the revised scale of 1921 ;

(d) whether the percentage increase was granted on the scale proposed to be given in 1919 or on the original scale ;

(e) whether the pre-war scale granted in 1917-18 was held to be inadequate by the then Head of the Department ;

(f) what was the minimum pay proposed to be given in the reorganisation of the department by the then Head of the Department, Mr. G. S. Curtis ; what is the percentage increase over that minimum granted in the revision of 1920 ;

(g) what is the percentage of posts above hundred and under hundred in pre-war scale and revised scale ;

(h) whether the original distribution of posts in various grades was held to be inadequate by Mr. Curtis ;

(i) what is the percentage of posts in grades under and above hundred in the old scale and that in the corresponding revised grades under and above one hundred and fifty ?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) Does not arise.

(c) and (d) The percentage increase was calculated on the pre-war rates of pay.

(e) and (f) Sir George Curtis was not Inspector-General of Registration in the year 1917-18 and no proposals for revision of pay were received by Government in that year.

(g)	Percentage of Sub-Registrar's posts on Rs. 100 and above	Percentage of Sub-Registrar's posts under Rs. 100
Pre-war scale	.. 15·7	84·3
Revised scale	.. 46·5	53·5

(h) Yes.

(i)	Percentage of posts under Rs. 100	Percentage of posts on Rs. 100 and above
Pre-war scale	.. 84·3	15·7
	Percentage of posts under Rs. 150	Percentage of posts over Rs. 150
Revised scale	.. 85	15

The figures given against clauses (g) and (i) refer to mofussil sub-registrars only and do not include six posts of Inspectors of Registration who are in the grade of Rs. 220—10—300 and clerks whose grades are Rs. 30—1—50, 30—2—60 and 50—3—80.

## WRITS OF SUMMONS : GOVERNMENT SERVANTS SIGNING DOCUMENTS

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) whether they are aware of the practice that prevails whereby Government servants such as talatis, sub-registrars, copying clerks, etc., in signing documents only put their name and their father's name with the official designation, without giving their surname or the place from which they come ;

(b) whether their attention has been drawn to similar omissions on the part of courts, when recording evidence of parties and witnesses ;

(c) whether they are aware that such practice causes great inconvenience to the public when they (abovementioned persons) have to be summoned by parties as witnesses in their cases, after they have retired or are transferred to other places ;

(d) if so, whether they intend to take any steps to remove this grievance ?

The Honourable Mr. J. E. B. HOTSON : (a) The custom varies from district to district and from caste to caste. There is no fixed rule.

(b) Courts record the names given by witnesses and the surnames if any. Their residence is always recorded.

(c) No.

(d) Does not arise.

Rao Bahadur R. R. KALE : (Inaudible).

The Honourable Mr. J. E. B. HOTSON : I cannot give a general answer. I should think it was generally the places where they happen to be living at the time.

Rao Bahadur R. R. KALE : May I ask whether there is any rule as regards the method of locating their residences, because that is the difficulty ?

The Honourable Mr. J. E. B. HOTSON : If the honourable member will give me notice, I will enquire.

## MINING CONCESSIONS : BELGAUM

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Will Government be pleased to state—

(a) whether it is a fact that Messrs. Lalan and Company of Bombay had applied to the Collector of Belgaum for several mining concessions in the district so far back as January 1926 ;

(b) whether it is a fact that the said company was informed by the Conservator of Forests that it was not thought advisable to issue any more licenses in the forest area of that district ;

(c) whether it is a fact that the Indian Merchants' Chamber requested the Government to be pleased to make enquiries into the matter and that it was informed that the question under reference was under their (Government's) consideration ;

(d) whether it is a fact that the question was subsequently referred to the Director, Geological Survey of India ;

(e) whether any circulars inviting opinions of mine owners with regard to the working of mines in the Bombay Presidency have been recently issued by them and, if so, whether Messrs. Lalan and Company were informed of the same ;

(f) if Messrs. Lalan and Company were not informed, the reasons for the same ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes ; they were so informed by the Collector.

(c) Yes.

(d) A reference was made to the Director on the same day as the reply to the Chamber was sent.

(e) No circulars inviting the opinions of mine owners with regard to the working of mines in the Bombay Presidency have recently been issued by Government. Presumably the Honourable Member refers to the question of the possibility of disposing of mining concessions on a system of auction or of competitive tenders which was referred to this Government by the Government of India for opinion after consultation with the interests concerned. The opinion of Messrs. Lalan and Company was not invited.

(f) As Messrs. Lalan and Company are a member of the Indian Merchants' Chamber which was consulted on the question mentioned in the reply to clause (e), it was not considered necessary to call for their views separately ; it was presumed that their views would be presented by the Chamber.

#### MINING CONCESSIONS : BELGAUM

Mr. LALJI NARANJI (Indian Merchants' Chamber) : Will Government be pleased to state when the report of the Director, Geological Survey of India, is expected ?

The Honourable Mr. J. L. RIEU : The report has been received.

#### SUBSIDIARY JAILS, AHMEDABAD

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state —

(i) whether they are aware of the fact that

(a) the existing subsidiary jails in Ahmedabad are too small to accommodate under-trial prisoners,

(b) that the prisoners charged with murder and those charged with petty offences are locked up in the same room,

(c) that the existing subsidiary jail is quite insanitary ;

(ii) what steps they propose to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : (i) (a) The Ahmedabad Sub-Jail was overcrowded some time ago. The arrangements have been changed and there is now no overcrowding, as a rule.

(b) No. There are six rooms, and these are allotted to different classes of prisoners.

(c) It was recently reported that the floors of the jail were in an insanitary condition, so the Inspector General of Prisons gave orders for them to be dug up and relaid.

(ii) The construction of a new sub-jail is under consideration.

**CRIMINAL CASE AGAINST WADERO GHULAM KADIR NAREJO**

**Mr. HAJI MIR MAHOMED BALOGH** (Karachi City): Will Government be pleased—

(a) to state whether they are aware that in the last year 1926 a criminal case was filed against Wadero Ghulam Kadir Narejo ;

(b) if so, to state whether the case was completed or withdrawn ;

(c) if it was withdrawn, to state what reasons were given for the withdrawal and whether the District Magistrate had taken any objection ;

(d) to place a copy of the withdrawal application along with the copy of the order of the District Magistrate on the Council table ;

(e) to state whether it is a fact that Wadero Ghulam Kadir Narejo paid a good amount to the Blind Relief Association as subscription ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) It was withdrawn.

(c) and (d) The following application was made to the Court :—

Ghulam Kadir and others .. .. . Accused.

Khemchand .. .. . Complainant.

It is prayed to the Court that on the promise of the accused and at the intervention of big zamindars we have settled the matter on the following conditions :—

(1) In future we will not quarrel and act like brothers.

(2) The accused will not put any obstructions in the karia as promised by them before the respectable zamindars.

The Court may therefore be pleased to withdraw the case.

Dated 25th September 1925.

(Signed) Nihalehand.

(Signed) Ghulam Kadir Narejo.

(Signed) Mir Muhammad Narejo.

(Signed) Haji Ahmed Khan Haji  
Muhammad Maluk.

The Police, the Executive Engineer and the Sub-Divisional Magistrate recommended that the case should be withdrawn and the District Magistrate passed the following order :—

“ No. S. 168/G. of 1925

District Magistrate's Office,

Mirpurkhas, 30th September 1925.

Mr. Hashmatrai is appointed under section 492, Criminal Procedure Code, a Public Prosecutor for the case or cases now pending in the Court of the Sub-Divisional Magistrate, Nara Valley, against Ghulam Kadir Narejo and other accused and is instructed to apply for the withdrawal of the case or cases.”

(e) At the public meeting held in August 1925 to inaugurate the Blind Relief Association, Wadero Ghulam Kadir announced a donation of Rs. 1,400.

Mr. HAJI MIR MAHOMED BALOCH : Was the sum of Rs. 1,400 given in order that the case should be withdrawn ?

The Honourable Mr. J. E. B. HOTSON : The money was given in August 1925 and the case was withdrawn in September 1925.

Mr. HAJI MIR MAHOMED BALOCH : Is it a fact that when the sum of Rs. 1,400 was paid up the case was withdrawn ?

(No reply).

Mr. M. S. KHUHHO : Are we to take it that the announcement of the donation of Rs. 1,400 influenced the District Magistrate to withdraw the case ?

The Honourable Mr. J. E. B. HOTSON : I do not know whether the honourable member thinks that the announcement of the subscription influenced the complainant Nihalchand Khemchand to ask that the case should be withdrawn.

#### DISTRICT MAGISTRATE, THAR PARKAR : CANCELLATION OF PARVANAS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased—

(a) to state whether they are aware that the District Magistrate of Thar Parkar had deprived Wadero Nihal Khan Lashari of the Bench Magistrateship and confiscated his gun license for appearing in defence in a case against one Dindu Chang ;

(b) if the reply be in the affirmative, to state whether the District Magistrate has restored the Parvanas to Wadero Nihal Khan ;

(c) to state after what period and under what reasons and on what date the Parvanas have been restored ;

(d) to place on the Council table the orders of the District Magistrate regarding the cancelling of the Parvanas and restoring them to Wadero Nihal Khan ;

(e) to state whether Wadero Nihal Khan Lashari has given subscription to the Blind Relief Fund ;

(f) if so, to state when it was and what the amount was ;

(g) to state whether it was paid before or after the grant of Parvanas ;

(h) to state whether it is a fact that the Parvanas were restored to him after his giving the subscription ;

(i) if so, what steps they have taken or propose to take in this matter ?

The Honourable Mr. J. E. B. HOTSON : (a) Nihal Khan Lashari was not recommended for reappointment as a Bench Magistrate and his gun licenses were cancelled or not renewed because he had given false evidence in Court.

(b) The licenses were subsequently restored.



(c) The order cancelling or refusing to renew the licenses was passed on the 23rd March 1926. The licenses were renewed on 20th January 1927 on the recommendation of the District Superintendent of Police and the Mukhtiarkar.

(d) The order cancelling the licenses is placed on the Council Table. No special order was passed when the licenses were renewed.

(e) Yes.

(f), (g) and (h) Nihal Khan and his uncle Behram Khan paid Rs. 590-8-0 to the Association on 3rd May 1926. Nihal Khan's name also appears as a subscriber of Rs. 400 in a list of subscriptions collected by Wadero Atta Muhammad Palli, a member of the Umarkot Taluka Committee, and paid by him to the Association in 3 instalments, the first of which was credited on the 31st January 1927.

(i) None.

No. 2600-H.

Dated 23rd March 1926.

#### Order

Nihal Khan Jurio Khan Lashari has been held by the 1st Class Magistrate, Umarkot, to have perjured himself in the case of Crown *versus* Lukman and 3 others. The Collector considers him as unfit person to hold the privilege of a chair in his Darbar and hereby deprives him of that privilege.

For the same reason, the Collector and District Magistrate cancels all his arms licenses. Nihal Khan Jurio Khan should at once surrender all his arms and ammunition to the Police. On his failure to do so on or before the 15th April 1926, he will be prosecuted for being in possession of arms without a license.

(Signed) C. G. HENDERSON,

District Magistrate, Thar Parkar.

Mr. HAJI MIR MAHOMED BALOCH : Does not the honourable member agree that the renewal of parvanas was owing to the money paid and not owing to anything else ? Were not Rs. 594-8-0 paid before the renewal order was passed ?

The Honourable Mr. J. E. B. HOTSON : Because a thing follows another thing, it is not necessarily in consequence of that thing.

#### DISTRICT MAGISTRATE, THAR PARKAR : GRANT OF LICENSES

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) how many licenses for guns and Parvanas for chairs have been granted by Mr. Henderson after starting the Blind Relief Association and after his return from the last leave in the District of Thar Parkar ;

(b) how many licenses for guns and Parvanas for chairs have been granted in each month and what subscription has been received from those men who were granted the licenses and Parvanas ;

(The information may be given in the following form.)

No.	Name of men whom Parvanas and licenses, etc., granted	Date of sanction of Parvanas, etc.	Date of giving subscription to the B. R. A. F.	Amount paid to Blind Fund	Remarks
1	2	3	4	5	6

(c) how many men out of those mentioned in the statement had applied for the licenses and Parvanas and how many have got these licenses and Parvanas without applying ;

(d) whether the usual reports were sent for from the Police Department regarding the applicants who were granted licenses ;

(e) whether licenses were granted also to men who were sentenced for some crimes ;

(f) If the reply to (e) be in the affirmative, what were the special reasons for granting these licenses ?

The Honourable Mr. J. E. B. HOTSON :

	Gun licenses	Parvanas for chairs
(a) (1) From August 15th, 1925, to May 13th, 1926, by Mr. Henderson ..	94	8
(2) From May 13th, 1926, to November 27th, 1926, by Messrs. Sorley and Willis ..	89	<i>Nil.</i>
(3) From November 28th, 1926, to July 1927, by Mr. Henderson ..	127	19

(b) The information asked for cannot be obtained. The lists of subscribers to the Blind Relief Association are in the possession of several non-official committees and not of any Government official.

(c) No license is given without application.

(d) It is not the invariable practice to refer to the Police ; sometimes reference is made to Deputy Collectors ; sometimes licenses are given by the District Magistrate on his own knowledge of the applicant, and in some cases on recommendations of respectable zamindars.

(e) No.

(f) Does not arise.

## POLICE TRAINING SCHOOL : SELECTIONS

Mr. N. E. NAVLE (Ahmednagar District). Will Government be pleased to supply the following tabular information ?

No of candidates recommended by the Superintendent of Police for selection in the Police Training School during the last 3 years	How many of them belong to advanced Hindu Classes	How many are from Marathas	How many are Muhammadans	How many of the applicants were Marathas	How many of those recommended candidates were finally selected by the Inspector General of Police	How many of those finally selected are from advanced Hindu Classes	How many of them are Marathas	How many are Muhammadans	The reason or reasons why Marathas are not selected in larger numbers
1	2	3	4	5	6	7	8	9	10
Ahmednagar District									
Poona District ..									
Sholapur District									
Satara District .									
Nasik District									
East Khandesh District ..									
West Khandesh District ..									

The Honourable Mr J. E. B. HOTSON : A statement containing the required information is placed on the Council Table.

*The statement referred to*

Name of the District	Number of candidates recommended by the Superintendent of Police for selection in the Police Training School during the last 3 years	How many of them belong to advanced Hindu Classes	How many are from Marathas	How many are Muhammadans	How many of the applicants were Marathas	How many of those recommended candidates were finally selected by the Inspector General of Police	How many of those finally selected are from advanced Hindu Classes	How many of them are Marathas	How many are Muhammadans	The reason or reasons why Marathas are not selected in larger numbers
1	2	3	4	5	6	7	8	9	10	11
Ahmednagar .	7	1	.	4	15	3	1	..	1	Every effort was and is made to get an admixture of all classes but in some classes it is extremely difficult to get suitable candidates. More Marathas would have been welcome, but many of those who applied were unsuitable physically or educationally.
Poona ..	11	5	1	4	22	3	1	.	1	
Sholapur	9	2	4	2	9	2	1	1	..	
Satara	9	1	5	19	6			1	3	
Nasik	7	2	3	1	15	2	..	1		
East Khandesh .	9	4	.	2	10	2	..	..	1	
West Khandesh..	8	3		2		2	1	.	1	

Dr. B. R. AMBEDKAR : As regards the words " all classes " appearing in column 11, on page 13, of the answer, may I know whether those words include the depressed classes ?

The Honourable Mr. J. E. B. HOTSON : I think the word " all " should be read in its full sense.

Mr. N. A. BECHAR : How does a previous answer given in regard to the admission of the depressed classes into the police force square up with the present answer ?

The Honourable Mr. J. E. B. HOTSON : I would point out that one question refers to the ranks of constables and head constables and other (the present) question refers to the officers of the police department. The two are quite separate.

Mr. N. A. BECHAR : Does it follow that Government is willing to take members of the depressed classes into the ranks of officers ?

The Honourable Mr. J. E. B. HOTSON : I think it will be realised that the difficulties of taking members of the depressed classes into the officers, ranks would probably be considerably less than those of taking them into the ranks of constables.

Mr. N. A. BECHAR : Does it follow that the Honourable the Home Member is going to sympathetically consider the question of the rights of the depressed classes ?

(No reply).

#### AHMEDABAD RECONSTRUCTION AND EXTENSION

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether they have received copies of the resolutions passed by a meeting of the citizens of Ahmedabad on 6th September 1927 regarding congestion in the city, grant-in-aid for a bridge near Shahpur under the Ellis Bridge Town Planning Scheme, exemption of stamp duty on housing loan fund investments and relief by way of exemption from Salsette rules for the purpose of assisting reconstruction and housing ; if so, to place the copies of the same on the table ;

(b) whether they have so far taken any action on these ; if so, to give the nature and general details thereof ;

(c) whether they intend to take further action with a view to assist the speedy construction and reconstruction of the city and suburbs of Ahmedabad ; if so, to place the details on the table ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) and (c) The requests made in the resolutions are under the consideration of Government.

Mr. G. I. PATEL : Does the Honourable Member realise that the extension and reconstruction after the floods is mainly dependent on this issue ?

The Honourable Sir GHULAM HUSSAIN : It is a question of money also.

Mr. G. I. PATEL : Does he also realise that the funds collected from the public are being spent, and the flood relief committees are awaiting the decision of Government on this question ?

The Honourable Sir GHULAM HUSSAIN : I am not aware of that, but naturally when they have sent in an application, they must be awaiting the decision of Government.

Mr. G. I. PATEL : When is the decision likely to be announced ?

The Honourable Sir GHULAM HUSSAIN : I cannot say.

#### WATER SUPPLY AND DRAINAGE SCHEMES, AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether in the first session of 1926 of the Council they have stated in reply to a question on the subject of water-supply and drainage schemes at Ahmedabad that the "question will be considered when the Ahmedabad Municipality actually undertakes the drainage extension project ;"

(b) whether the Ahmedabad Municipality having actually progressed with the project in the year 1927 they are prepared to finally declare the necessary quota of the grant-in-aid asked for by the Ahmedabad Municipality. If not, to give reasons for the same having regard to the enormous damage done by the last floods and rains in Ahmedabad ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) Owing to financial stringency Government are reconsidering the question of grants-in-aid to local bodies. Pending a final decision in the matter, the question of a grant-in-aid to the Ahmedabad Municipality towards its water-supply and drainage scheme has been held over.

Mr. G. I. PATEL : It is not a fact that the loan was raised on an indirect assurance from Government that they will be paying their quota, and then the works were undertaken ?

The Honourable Sir GHULAM HUSSAIN : No assurance was given.

Mr. G. I. PATEL : How long is this question pending before Government ?

The Honourable Sir GHULAM HUSSAIN : I think the honourable member himself knows that well enough.

Mr. G. I. PATEL : Is it not a fact that it is pending before Government for over two years, and still the decision is not being announced ?

The Honourable Sir GHULAM HUSSAIN : I cannot say exactly how long it has been pending, but it has been pending for some time, and Government have not arrived at any decision yet.

#### HIGH COURT : RE-ORGANISATION

Mr. J. R. PATEL (Kaira District) : Will Government be pleased to state what decision they have arrived at regarding the reorganisation of the Bombay High Court ?

The Honourable Mr. J. E. B. HOTSON : This matter is still under consideration. The reply as printed is "This matter is still under

consideration," but the more correct answer would have been "It is very difficult to understand the purport of the question—what the honourable member means by the re-organisation of the High Court." He might perhaps make it more plain, and I would be very glad to give him further information if possible.

Mr. J. R. PATEL : I had in mind the question of retrenchment.

The Honourable Mr. J. E. B. HOTSON : If it is only a matter of retrenchment, then the answer as printed stands ; it is under consideration.

#### TRANSFERRED DEPARTMENTS : FUNDS FROM TAXES

Mr. HOOSEINBHOY A. LALLJEE on behalf of Mr. HOUSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) whether it is a fact that whenever any taxation proposal has been placed before the Council since the year 1921 the Honourable Ministers in supporting have always said that funds were necessary for the Transferred Departments and promised that the amounts realised from the tax would be spent on the Transferred Departments ;

(b) if so, to what extent the promises of the Ministers have been carried out ?

The Honourable Sir CHUNILAL MEHTA : (a) and (b) The honourable member is referred to the record of the debates and to the budgets and civil estimates.

#### PROSTITUTION IN BOMBAY CITY : FOREIGNERS

Mr. HOOSEINBHOY A. LALLJEE on behalf of Mr. HOUSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) whether their attention has been drawn to the following statement in the Report of the Special Body of Experts of the League of Nations on Traffic in Women and Children :—

"With regard to traffic in women to and from the East, there is evidence of a route *via* Egypt to Bombay. The Roumanian officials gave information including the names of traffickers and the details of their operations from Poland and Roumania to the East and to Bombay."

(b) how many foreign prostitutes landed in Bombay in the years 1924, 1925 and 1926 ;

(c) what efforts were made to prevent importation of foreign prostitutes in the city and with what results ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) The number of foreign European prostitutes who landed in Bombay was : -

In 1924 .. .. .	5
In 1925 .. .. .	6
In 1926 .. .. .	6

(c) None of these women were imported. They were all voluntary immigrants. They were not prevented from landing.

## JAPANESE PROSTITUTES : REPATRIATION

Mr. HOOSEINBHOY A. LALLJEE on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) whether they are aware that Japan is a signatory to the International Agreement of 1904, articles 3 and 4 of which deal with the repatriation of prostitutes ;

(b) whether Japanese prostitutes in Bombay have been repatriated to Japan ;

(c) if so, how many ;

(d) if not, why not ;

(e) if they have requested the Japanese Consul in Bombay to repatriate Japanese prostitutes who are at present in Bombay ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Yes, by the Japanese Consul.

(c) 9 in 1924,

4 in 1925,

9 in 1926, and

5 in 1927.

(d) Does not arise.

(e) No.

## SMALL CAUSES COURT, BOMBAY : HOLIDAY FOR BARA WAFAT

Mr. HOOSEINBHOY A. LALLJEE on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state

(1) whether it is a fact that

(a) Bara Wafat has been declared by them as a public holiday for more than ten years past ;

(b) it is a very important Moslem holiday ,

(c) it is not observed as a holiday in the Small Causes Court, Bombay ,

(d) it therefore causes great inconvenience to the Moslem public and specially to the Moslem members of the Bar ;

(2) if so, what they propose to do in the matter ?

The Honourable Mr. J. E. B. HOTSON : (1) and (2) The attention of the Honourable Member is invited to the reply given to his question on the same subject in February 1926 and printed on pages 159-160 of Volume XVII of the Bombay Legislative Council Debates of 1926. As far as Government are aware the position as then explained has not since been altered in any way.

## HARVEY-NARIMAN CASE : COSTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the estimated cost to Government in the Harvey-Nariman case ;

(b) the exact provision in the budget of 1927-28 from which the costs in that case are being met by Government ?

The Honourable Sir COWASJI JEHangIR : (a) The proceedings in the Harvey-Nariman case have been instituted at the cost of Government but, if the complaint is dismissed due to Mr. Nariman proving his allegations, the cost will be borne by Mr. Harvey. The actual expenditure hitherto incurred on the case, excluding the fees payable to the Complainant's solicitors and their charges for copying documents, etc., which have not been billed for, is Rs. 18,254. The case is still proceeding and it is not, therefore, possible to say at present what the total cost of the case will be and whether it will ultimately have to be borne by Government.

(b) As it is at present uncertain whether the cost of the case will ultimately have to be met by Government, the charge is being met provisionally by debit to suspense. As the course and length of the case is undetermined, it is proposed to make provision in the budget to clear the debit to the suspense head before the financial year closes. A supplementary demand will be made in due course.

Mr. J. C. SWAMINARAYAN : With regard to the last portion of (b), how are they going to recover the cost from Mr. Harvey, if the case is decided against him ?

The Honourable the PRESIDENT : That has been asked and answered before this.

Dr. M. K. DIXIT : Is it the intention of Government to withdraw this case at this stage ?

The Honourable Sir COWASJI JEHangIR : Government are not the complainants.

Mr. N. A. BECHAR : They are the financiers.

#### AHMEDABAD CITY WALL IMPROVEMENT SCHEME

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that they wrote frequently to the Ahmedabad municipality to undertake the city wall improvement scheme No. 5 ;

(b) whether the frequent communications of Government in connection with the said scheme were responsible for the passing of the resolution of intention to undertake the said scheme by the Ahmedabad municipality on the 28th April 1927 when the life of the said municipality had a duration of hardly one month and a half ?

The Honourable Sir GHULAM HUSSAIN : (a) The Committee of Management declared its intention to prepare a scheme and requested the Government to sanction the preparation of the draft scheme in 1923, but Government declared the proceedings taken by the Committee of Management to be void *ab initio* on account of a technical legal flaw and called upon the present municipality to follow the procedure *de novo*. It is against this reference of Government that the Collector issued reminders to the President to expedite the submission of the proceedings taken by the municipality.

(b) No. The President, Ahmedabad Municipality, reports that the passing of the scheme by the municipality is due entirely to the fact that the municipality has been convinced that the carrying out of the



scheme is of great importance and would have far reaching consequences on the health and improvement of the city generally and that the intelligent public opinion also incessantly demands the early undertaking of the scheme and adds that the municipality would not have otherwise passed this scheme on the eve of election knowing full well that the situation may be exploited by interested persons.

#### HAJ COMMITTEE AND PROTECTOR OF PILGRIMS

Mr. SYED MUNAWAR : Will Government be pleased to state—

(1) what is the position of the Haj Committee as regards the department of the Protector of Pilgrims ;

(2) whether the Department is under the Committee ;

(3) if not, the reasons why ?

The Honourable Sir COWASJI JEHangIR : The Haj Committee was intended to be an advisory Committee composed mainly of non-official members and also to protect the interests of pilgrims generally ; it has no direct control over the Protector of Pilgrims who is an official directly subordinate to the Commissioner of Police, Bombay.

Mr. SYED MUNAWAR : If the Haj Committee has got no control over the Protector of Pilgrims, how can that committee be expected to do any real good to the pilgrims ?

The Honourable Sir COWASJI JEHangIR : The resolution appointing the committee was placed on the table of the House during this session, from which my honourable friend will have seen that it is an advisory committee.

MOULVI RAFIUDDIN AHMAD : Will the honourable member place any rules in connection with this committee on the table ?

The Honourable Sir COWASJI JEHangIR : So far as I recollect, there are no rules, and I will repeat again that the resolution and correspondence which took place when this committee was appointed some years ago was placed on the table of the House.

MOULVI RAFIUDDIN AHMAD : By rules I mean rules as to the functions of the Police Commissioner and the Haj Committee.

The Honourable Sir COWASJI JEHangIR : The Police Commissioner is the chairman of the committee.

MOULVI RAFIUDDIN AHMAD : Are there any particular rules guiding the proceedings of this committee ?

The Honourable Sir COWASJI JEHangIR : So far as I recollect, there are none.

#### OFFENSIVE LITERATURE IN GUJARATI

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they have any authoritative record of Gujarati literature published in the various parts of the Presidency ;

(b) whether they are aware of such Gujarati literature as creates dissensions and class hatred between various sections of the people ?

The Honourable Mr. J. E. B. HOTSON : (a) Yes.

(b) Government are aware that some literature is published which has the result mentioned by the Honourable Member.

**Mr. M. S. KHUERO :** Why have Government not taken any action ?

**The Honourable Mr. J. E. B. HOTSON :** Unfortunately, the amount of undesirable literature that is published is very considerable, and Government, not desiring to interfere with the liberty of the press any further than is absolutely necessary, only take action in the worst of the cases that come to its notice.

**Mr. G. I. PATEL :** May I know whether Government are aware only of Gujarati literature of this type published in the presidency or of all literature of the type ?

**The Honourable Mr. J. E. B. HOTSON :** I am afraid that literature of this type is published in other languages besides Gujarati.

**Khan Saheb A. M. MANSURI :** Is it not in the interests of Government and the ryots that such literature ought not to be allowed to be published ?

**The Honourable Mr. J. E. B. HOTSON :** That is a statement of opinion with which I think everybody will agree.

**Mr. NCCR MAHMID :** Has it come to the notice of Government that a printed song is being sung and circulated in the town of Ankleswar in which Musalmans are made to prefer an appeal to the Prophet to call them up to Medina as the Hindus have made their further stay in India impossible and the Prophet replies that he cannot do it as things are too warm for even himself in Arabia ?

**The Honourable Mr. J. E. B. HOTSON :** I do not think that arises out of this question, Mr. President.

**The Honourable the PRESIDENT :** The question does not arise.

#### STATISTICS BILL

**Mr. SYED MUNAWAR :** Will Government be pleased to state—

(a) what action has been taken in regard to Bill No. XII of 1924 framed in order to provide for the collection of statistical information for public purposes ;

(b) why the bill has been shelved for the last three years though it was resolved in the July 1924 session of the Council to the following effect :—

“ That the consideration of the Bill to provide for the collection of statistical information for public purposes. Bill No. XII of 1924, be adjourned to the next session of this Council ” ;

(c) when they intend to proceed with this legislation ?

**The Honourable Sir CHUNILAL MEHTA :** (a), (b) and (c) The attention of the Honourable Member is invited to the supplementary questions and answers to Mr. Ginwalla's question regarding Industrial disputes and Statistics bills on 9th March 1927 printed at pages 724-726 of Volume XIX of the Bombay Legislative Council Debates,

## I. M. S. OFFICERS

Dr. M. D. GILDER (Bombay City, North): Will the Honourable the Minister of Education be pleased to state—

(a) how many and what posts in the Civil Medical Service of this Presidency (including Sind) are reserved for European officers of the I. M. S. to the exclusion of the Indian officers of the service ;

(b) whether there are any posts similarly reserved for Indian officers of the service ;

(c) the number of European officers of the I. M. S. at present in civil employ in this Presidency (including Sind) ;

(d) how many I. M. S. officers have been added to the Civil List at the request of the Government of Bombay since the Honourable the Minister assumed charge of his office ? How many of these are Europeans and how many Indians ;

(e) how many I. M. S. officers (Europeans and Indians to be stated separately) have retired from this Presidency in the same period ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) No I. M. S. posts are at present specifically reserved for Europeans or Indians. The scheme for reservation of certain civil appointments for European officers of the I. M. S. is still under the consideration of the Secretary of State.

(c) Nineteen.

(d) None.

(e) Two Europeans have retired and three more will retire by the end of this year.

Dr. M. D. GILDER : Is the opinion of the local Government before the Secretary of State ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Dr. M. D. GILDER : May we know what the opinion of the local Government is ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As the matter is under consideration, I do not think that it is desirable to say what the opinion of the local Government is.

## I. M. S. : RESERVATION OF POSTS FOR EUROPEANS

Dr. M. D. GILDER (Bombay City, North): Will the Honourable the Minister of Education be pleased to state—

(a) whether the discussion that took place in this Honourable House on the 5th and 6th March 1926 in regard to the reservation of posts for European officers of the Indian Medical Service was communicated to the Government of India ;

(b) what was the reply of the Government of India ;

(c) whether considering that this Honourable House devoted two days to the discussion of the subject, the Honourable the Minister will lay the correspondence on the table ?

The Honourable Dewan Bahadur HARILAL D. DESAI : In accordance with the promise made by the Honourable Mr. Jadhav in the House on the 6th March 1926, a copy of the debate on the question of reservation

of posts for European officers of the I. M. S. was forwarded to the Government of India and that Government was informed that the cut of Rs. 1,000 in the provision under the head "32-Medical—District Medical Officers" was moved as a protest against the policy enunciated by that Government. No reply has been received to the local Government's letter.

Mr. J. C. SWAMINARAYAN : Was any reminder sent by the local Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot say off-hand ; perhaps, it is not likely that a reminder was sent.

Mr. J. C. SWAMINARAYAN : Will Government send a reminder now?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government will consider the matter.

## SUPPLEMENTARY GRANTS

### FLOOD RELIEF

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, it is said that the wheels of Government machinery move slowly, but in this case it has been otherwise and I congratulate the Government that the wheels of their machinery have moved timely in respect of giving relief to the flood-stricken people of Gujarat. The Honourable the Revenue Member has made a demand for one crore 84 lakhs odd rupees. Out of this amount Rs. 18,28,460 will be given as tagavi for the purchase of seed, Rs. 25,000 for opening cheap grain shops to the district board of Broach, Rs. 15,000 for opening timber depots in the area affected by floods, Rs. 2,00,000 for the purchase of corrugated iron sheets, advance of Rs. 10,000 for supply of seeds, etc., an additional amount of Rs. 1,15,00,000 has been earmarked for loans for reconstructing houses. The Honourable the Revenue Member knows full well that one-third of the revenue of Government comes from the cultivators. It is now proposed that the loan for the reconstruction of houses will be given on interest. In this connection I wish to point out that the loan should be granted for two or three years at least free of interest and they may charge interest for the remaining period, in order that advantage may be taken of that system.

My honourable friend Rao Saheb Desai pointed out that the fertile surface soil had been washed away and that this fact ought to be taken into consideration in the matter of giving remissions. I request Government to take this matter into their serious consideration. The plight of the agriculturists in our presidency, especially in Gujarat, is sad, although the golden Gujarat reaped nothing but gold from their fields, but those times are gone by. After the recent floods their condition has grown worse and floods have become a matter of frequent occurrence. We have only very recently passed two bills—the Cotton Markets Bill and the Small Holdings Bill—in the interest of the agriculturists. The Honourable the Finance Member brought the latter with the sincere hope of improving the condition of the agriculturists. Though I am diffident, I hope and trust that his hope will come true.

[Khan Saheb A. M. Mansuri]

Before I resume my seat, I would request the Honourable the Revenue Member to see that remissions are granted in deserving cases. I understand, Sir, that the crops sown after the floods will be successful, and that no further relief will be necessary in the form of supplementary loans.

Mr. NOOR MAHOMED (Hyderabad District): Sir, in the matter of alleviating distress and providing relief in Gujarat Government have done so well that I do not think there will be any member in this House, who will have anything but praise for the skilful manner in which they have tackled the problem and the promptness with which they have done it. The activities of the Government, in this connection, in the province of Gujarat make us, who come from Sind, sad to think that distance should separate us from the seat of Government so much that we could not receive sufficient attention from the Government. I do not know what makes the honourable member Dr. Mansuri interrupt; but it is not an unusual thing to see him tickled, when anything is said in praise of Government. I was saying that the distance between Sind and Poona is so great that the extent of losses occasioned in Sind has not come to the notice of the Government in its proper light. An impartial gentleman, the President of the Servants of India Society, Mr. Deodhar, who is well known for his cautiousness in making statements, has stated that inadequacy of relief in Sind is due to the feebleness of public voice there, scanty information and the inaccessibility of several parts. The last reason covers, I suppose, rather politely the omission of our officials in moving into the interior of their beats, the damaged parts, to see for themselves the extent and nature of the loss caused. It was a good fortune of Gujarat that immediately after the floods the honourable the Finance Member, the Honourable the Revenue Member and the Honourable Ministers went up to Gujarat and personally looked into the administration of the measures of relief. It was a good fortune of Gujarat that even the head of the Government himself toured into the affected parts. In Sind, the Commissioner went to the end of the Tando division, the most affected part of Hyderabad District, by the morning train and returned the same evening by the same train. I do not know why he could not give us more time. He must be having a good reason for it, probably the pressure of work at Karachi. Any way he could not have formed any estimate of the loss from the railway line. He had not the opportunity to do it; and he did not hear the zamindars sufficiently to get any idea of the loss. There is thus a great deal of difference about the extent of loss between the official and non-official estimates in Tando division. The dispute about the extent of loss, however, does us no special good; the Government are not going to compensate and they cannot compensate people for the losses they have suffered. The extent of loss, if realized by Government here, will however enable them to formulate a correct policy of assisting zamindars in a manner that will go to build up the economic position of the agricultural classes and which is at present ruined. Our zamindars do need greater assistance this year, than has been given and they need much more of it during the next year for the Kharif, which is the principal crop in Tando.

[Mr. Noor Mahomed]

As I said before, the Commissioner went through the affected part of Tando in a railway carriage ; so he has no personal knowledge of the extent of distress. The Collector never went there. So the information of the Commissioner could not have been based on that of the Collector, because the latter never moved out. The Deputy Collector only went to the headquarters of the talukas. Even this officer has no information beyond that of the big towns along the railway line or of taluka headquarters. The Mukhtyarkars never moved out of their headquarters : so their personal knowledge of the damage was zero, when they submitted their reports to Government. Even the Tapedars who could be said to have supplied the information to their superior officers never moved out till about the middle or beginning of the last month : so their fund of information, now in the possession of the Honourable the Revenue Member, was also a zero. My point therefore is that the information sent to the Honourable the Revenue Member from Sind is altogether unsatisfactory and unreliable. Because Government wanted information, a guess work was made at taluka headquarters and information based on that guess work was sent here to Government and they in Sind are now sticking to it. I have already made it clear in my opening remarks that there need be no dispute about the extent of loss, for Government is not going to compensate the zamindars, or the cultivators or the villagers. My only anxiety is that Government should know the extent of loss in order that it may enable our peasantry to stand on its own legs, during the present year and the next year. That is the only point worth considering on the present occasion.

Rai Bahadur Hirachand Khemsing who is an eminent gentleman amongst us and is also a landholder in Tando division has taken strong exception to the estimate of 18 lakhs of rupees loss to crops in Tando division made by the Deputy Collector and has shown that losses, for instance in Badin, are to the extent of 12 annas and in some cases to the extent of 8 annas. Generally speaking the losses to crops in Tando division can safely be put down at between 11 and 12 annas or in other words to the extent of about 75 to 90 lakhs of rupees in crops only. Rai Bahadur is not alone in what he says. Every zamindar and cultivator of Tando says the same thing. Mr. Devdhar has also compiled, after personal observation and enquiries, the losses suffered by the members of the co-operative societies in Tando division. There are 73 societies in this tract, with 1,849 members. Their loss is a little above ten and a half lakhs of rupees and he has, with those figures, calculated that the total loss in Tando division alone is about three and a half crores of rupees. He is however not a man to quarrel over calculations ; and after meeting Mukhtyarkars and taking figures of their estimates of loss from them, he is prepared to cut down his estimate by so much as half, to suit official estimates and puts his final indisputable figure of one and a half crore of rupees of loss.

The Honourable Mr. J. L. RIEU : May I ask the honourable member whether he is referring to the estimate of the value of crops destroyed ?

Mr. NOOR MAHOMED : No, Sir ; I am coming to the loss of crops.

The Honourable Mr. J. L. RIEU : What do the figures which the honourable member has quoted represent ?

Mr. NOOR MAHOMED : Total loss, Sir, in Tando Division, according to the estimate of Mr. Devdhar. I am glad, Sir, the Honourable the Revenue Member has given me an opportunity of making that clear at this stage. Mr. Devdhar's estimate of the total loss, on the basis of the figures supplied by the members of the co-operative societies, is really  $3\frac{1}{2}$  crores of rupees ; but he is prepared to accept the estimate of the local officials that the loss to crops, etc., is to the extent of annas eight only ; and even accepting that estimate, he is prepared to state before the public and has done so that the total loss in Tando is of  $1\frac{1}{2}$  crores of rupees. No one can take seriously the official estimate of the loss of only one lakh of rupees in Guni taluka, but even, as the local Tando division officials gave out, if the official estimates be of only 8 annas loss to crops, it would come to about 75 lakhs of rupees loss in crops alone in Tando division. I am very sorry to find that the figures of loss in crops as given out by the Honourable the Revenue Member yesterday are quite below what we were told by some of the officials of Tando. Anyway, Sir, I do not want to quarrel with the figures given and I do hope that the Honourable the Revenue Member will be good enough to bear in mind the non-official estimate.

The Honourable the Revenue Member was good enough to inform us that 34,000 acres have been given in Hyderabad district as "*eksali*" grants. The Honourable Member knows that *eksali* grants are now a permanent feature of our village life ; and that they are made every year and are renewed from year to year in most cases. We are indeed very grateful to the Honourable the Revenue Member for the sanction he gave for "*eksali*" grants this year ; but I am afraid this figure of 34,000 acres includes all the previous grants also ; and my information is that *new* *eksali* grants do not exceed 10,000 acres in all. That is a point which we will no doubt find out easily. The argument of the Honourable the Revenue Member that the nett loss to the people would be small, if the yield of the next rabi crop is taken into consideration, really leads us nowhere. It at least gives us, who come from Sind, no hope to feel that Government is going to assist people in overcoming the great difficulties that confront them. That is an argument that has been invented in Sind, invented by the Tando division officials. These gentlemen had no data, no personal knowledge as regards the losses caused in Tando division. They sent a guess work report to Government about the loss in crops in Tando division being only 18 lakhs of rupees ; and when, later on, they found that losses in crops were greater than they at first guessed a plausible explanation is given that the rabi crops would be bumper and people would make up their kharif losses from it and at the end of the year, the nett losses would be very small, 18 lakhs only. I am afraid, Sir, this theory of nett loss is an invention of Sind brains and has unfortunately come to be applied, along with us, to Gujarat also. Any way, in our part of the country, that theory has been vehemently opposed and, as I will show later on, it has no value.

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The Honourable the Revenue Member knows that the Tando division is a rice growing country ; and rice is the most principal kharif crop there. The Tando division officials admit there that the loss in kharif crops is to the extent of 8 annas, though we, non-officials do not accept it as reliable, since the mukhtyarkars had no personal knowledge of the extent of damage. Rabi crop in Tando is a very minor one ; it is generally 1/5th of the kharif crop and in some years about 1/4th only ; but never more than that. It is generally a very poor crop in Tando division ; and both its yield and the value of the yield is, compared to the kharif crop, too low to give us any encouragement to think that it will in any appreciable degree serve to compensate the losses suffered in the present kharif season on account of the rain and floods. Owing to the sudden and early drop in the river this year and the closing of the Jam Shoro Regulator, a good area of rice crop that had escaped damage in Guni taluka and in some other tracts has suffered and the kharif area has thereby been still further reduced ; and also the chances of any good rabi crop being obtained this year have still further been diminished. Added to it all is the injury that is being done by locusts. In the circumstances it is most unsafe to build any hopes on the next rabi crop to act as a compensating factor in Tando division.

The loss suffered by the people in Tando division is enormous and the condition of the people is absolutely miserable. In saying this, I am not stating anything of my own invention ; ask any villager in Tando division and he will narrate the tale of suffering. I can however quote one small paragraph from the report of Rai Bahadur Pritamdas, who is the General Secretary of the Sind Provincial Co-operative Institute and is also the Managing Director of the Hyderabad District Co-operative Bank, Ltd. He says :

"The greatest need of the people at the present moment was grain. Some poor people who usually maintain themselves by agricultural labour had no work, and they and their dependents, lived by earning from one anna to two annas per day by sale of grass or firewood in Badin. This just gave them less than a pound of grain which they boiled into thin *kanji* (gruel) in the morning and evening and each member had a cup of it. Even this much food was not available to several people as the demand for grass and firewood was limited. In some cases people were selling the goats that were saved from floods to purchase some grain. Some poor people lived partly on *kanji* (gruel) made of rice dust (*chuno*) and partly on bread of Kum seed which grows in pools of water or of Mariro (a vegetable which grows spontaneously after the rains). They could get small fish from pools of water, but this brought on stomach trouble."

The hardships of the people of Tando are also borne out by Mr. Devdhar. I am very sorry, Sir, to see the Honourable the Revenue Member smile ; but I assure him I am absolutely serious in what I am stating and in what I am quoting. I know what the condition of the people is in Tando division. It is extremely miserable.

Mr. H. DOW : Will the honourable member kindly give the name of the gentleman from whom he quotes ?

Mr. NOOR MAHOMED : I am sorry, Sir, the honourable member, the Revenue Officer of the Lloyd Barrage is not intimately connected with this part of the country. If he had seen any part of Tando Division, as it presents its face to-day, he would not have questioned me. Rai



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Bahadur Pritamdas is the gentleman I quoted. He is the General Secretary of the Sind Provincial Co-operative Institute and is the Managing Director of our Hyderabad Co-operative Bank Limited. He is a very venerable man, and in spite of his old age has done a lot of relief work in the villages, in very trying conditions. It is well-known that rice dust is given to cattle, cows, buffaloes, etc., and is unfit for human consumption. Even this commodity people cannot get and are therefore forced to live on what the wild growth in the jungle can supply them.

I regret to say, Sir, that the officials in Sind have not realised the extent of misery, which prevails in Sind. Private charity was organized; but its control, owing to certain reasons, was deliberately left by us (non-officials) in the hands of officials. Our traders and our zamindars have contributed generously towards it; but we find, to our regret, that its actual method of distribution by officials has caused grave dissatisfaction. This is however, a matter which does not strictly come within the purview of this honourable House; and therefore I will not deal with it any further.

As the Honourable the Revenue Member has taken great interest in affording relief to Sind, on the same basis as has been done in Gujarat, I wish to inform him that distress in Hyderabad and Thar and Parkar districts is as acute as in Gujarat; and only the area of it is smaller. Mr. Devdhar has certified to that, and has given his reasons.

Sir, it is true, we in Tando division, have been given takavi loans for the present Kharif crop and the Rabi but only to the extent of rupees  $1\frac{1}{2}$  lacs of rupees; and that also when the Honourable the Revenue Member and the honourable member the Revenue Secretary personally interested themselves in the investigation of the needs of Tando division, otherwise we would have been made to content ourselves with Rs. 75,000 only. Rupees  $1\frac{1}{2}$  lacs are far below our actual present needs of even this year; and this sum has been given in small amounts of Rs. 50, 100, 150, or 200, in rare cases to the extent of Rs. 500. Though the needs of our zamindars were and are certainly far greater than that. So insufficient was the Government assistance that the Hyderabad District Co-operative Bank has had to advance about 34,000 rupees and will have to give about 16,000 more shortly, to its members on the usual interest. The Bank has about 6 lakhs to recover and will not now get its money except in small easy instalments spread over a large number of years. So the financing of peasantry next year is more serious problem in Hyderabad than is imagined by local officials. Seeing this frame of mind of officials, our zamindars have ceased applying for takavi loans for none are to be had. I do not know the reason of the Sind Administration in treating the Tando division in this manner, when the Government here is only too willing to make advances applied for by Sind Authorities. That is a situation which the Government here alone can correct. Various excuses are given to put off people getting loans. Mussulmans, and Hindus even, have been put off on one or the other excuse. When a Hindu applies for a takavi loan, the excuse given I hear is that he is a rich man and the takavi loan that he gets from Government, free of interest he will lend to his agriculturists on high interest and will

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thereby make money in the bargain. If a Mussulman asks for takavi loan, I hear, it is said that he would spend away the amount on his own personal needs and there is no guarantee that he would give it to his agriculturists or that he would go and purchase a motor car with it. Quite possible one Hindu in a hundred may be so callous as to give the loan money he gets from Government free of interest, to his cultivators on high or low interest; and quite possible one Mussulman in a hundred may purchase a very third class motor car from the takavi money; but is the entire landowning community, the entire peasantry of Tando division, to be deprived of Government assistance at this time, because there is this far fetched, and I would say, almost imaginary possibility of one or two per cent. zamindars making a sorry use of the loan money? Conditions are so bad in Tando and Thar and Parkar that no cultivator would consent to put his hand to the plough, unless and until his zamindar advances him money for his maintenance, purchase of bullocks, etc. On hungry stomach no cultivator would come to the field of any zamindar; the excuse of waste or misuse of the loan money is therefore groundless. It is being given, because the Tando division officials have made the initial blunder of under rating the loss of kharif crops at 18 lakhs. Hyderabad district officials will now never ask for enough of money to advance the takavi, as that would mean to them the incorrectness of their original estimates of loss reported to Government. It is thus that because of an initial official blunder in reporting to Government the extent of loss the entire agricultural community of Tando has now to suffer.

I have already stated that our dispute with the official estimates is to bring us no compensation. My point is that so low is the official figure of loss in crops, that a serious and permanent injury will be done to agriculture in the Tando division of Hyderabad district. To cover up the original blunder, the officials would commit many more blunders, which would mean so many additional hardships to the agriculturists. On account of the low figures of loss to crops supplied to Government on the authority of the officials of Tando, these officials will go about the country refusing remissions of assessment this year. They have reported to Government that losses were very small and they will now justify their reports. They will therefore go out with a hardened heart, refusing remissions to people. People, possessing influence, may succeed in getting their crops valued properly: but the lot of the ordinary landowner would, I am afraid, be in the circumstances most miserable. I assure the Honourable the Revenue Member that Tando division people have lost their all, their crops are for the most part destroyed and they have no money to pay the land assessment, which I can clearly see is not going to be remitted, as it should be. In saying it, I am not exaggerating the real position. The Honourable the Revenue Member said that remissions to the extent of Rs. 2,44,000 were estimated to be granted in Hyderabad district this year. He would be good enough to take note of the fact that in 1919-20, when the rain, in the tract watered by the Fuleli Canal, namely, Tando division, was only 11 inches 26 cents, crops were so

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much damaged that remissions to the extent of 1,41,736 rupees were granted in Tando division ; in 1921-22, the rain in Tando division was only 9 inches 90 cents and the remissions were Rs. 1,51,126 ; in 1922-23, though the rain was only 2 inches and 64 cents, the conditions of the land owing to the previous year's rain had become so bad that the remissions to the extent of 1,41,293 rupees had to be given. I quote only the figures of the Fuleli Canals district, namely the Tando division ; and do not calculate the remissions granted in the Hyderabad Canals district, namely the Hala division of Hyderabad district, where also due to rain, the damage to crops this year has been considerable. This year the registered rain in some places is nearly 20 inches and at others nearly 30 inches ; and the whole country side was, except some small tracts of high land, submerged and crops destroyed. About the measurement of rain there is also dispute. In some places measurement gasses are commonly known to have overflowed at night time. Sir, land can bear rain and floods only to a certain limited extent, beyond which sudden, continuous downpour does havoc to the crops as it has done this year. Ten to eleven inches rain is the maximum limit of the capacity that even the rice land of Tando division can carry, in addition to the canal water with which it is always loaded. Any rain beyond 11 inches, would seriously destroy cultivation. When there has been such heavy rainfall in the Tando division this year, when water at some places is still 10 feet or so and villages are submerged and crops for the most part are totally destroyed, the Honourable the Revenue Member has been given the estimate of proposed remissions, in the whole of Hyderabad district, both Tando and Hala sub-divisions, at the most unthinkable figure of both for kharif and rabi crops, Rs. 2,40,000. I am afraid, and my fears will come true, that the mukhtyarkars can keep to this estimate of remissions for the whole of the year, only by refusing remissions whole sale ; and as I said before, people have no money to pay the assessment. I fear a very acute, unbearable economic situation is being created in Sind, and it would be better if the Government realized it in time, before the mukhtyarkars started the remission work. I have already said that the kharif crop is nowhere, and the expectations of the next rabi crop, which is best only one-fourth of the kharif, are poor and remissions for rabi are also to be very great. The estimate of Rs. 2,40,000 for remissions both for kharif and rabi in the whole of Hyderabad district will only drive people to complete despair. I do hope Government will take steps to protect people against the miscalculations of Sind officials, who have done nothing and are doing nothing to know the extent of the plight all round in Hyderabad and Thar Parkar districts.

Sir, the gross revenue of Hyderabad district was in 1924-25 Rs. 60,00,000, and if the remissions in the whole of the district are to be only 2,44,000 rupees, it only means that the loss in crops is nearly only 1/15th part of the whole, which is such a small proportion of even the figures of loss supplied by the Sind Administration and quoted by the Honourable the Revenue Member. By showing these figures, I wish to show to the Honourable the Revenue Member that Sind has not received proper

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attention and it is high time that the Honourable the Revenue Member interested himself in this question. We have not been treated fairly and justly by the Sind Administration and I would only say that in an urgent and important matter like this, it is duty of the Government to look after the people and not to relegate them to the mercy of the Sind Administration, which does not and will not listen to the people there. I do not want to pick out any particular officer or officers and make him the victim of an individual complaint. Our complaint is against the Sind Administration generally which can give peace of mind to the people, were it desirous of doing so. It does not care for public grievances and particularly our people do not count with it. Hence all this disappointment and all round misery.

Briefly, our position is that kharif crop is destroyed to the extent of 11 to 12 annas, takavi loans have been refused or have not been given to people according to their needs, rabi crop has no promise of being a success; Government estimate of remissions will create panic in the population and will add to their misery, that kharif crop is the principal crop in Tando division and we require large sums of money as takavi loans for the next year's kharif and we want more money immediately for this year; and finally that we have not the least of hope in local officers that they will now ask for any further grants from Government.

Sir, yesterday, the Honourable Member, Mr. Haji Mir Mahomed Baloch made a grievance that the Honourable the Minister for Local Self Government had not visited Sind. The fact is that the attitude of the local officers was so disappointing that it was thought the Honourable Minister would serve us better by remaining here and bringing to the notice of the Government the plight of people. I am responsible for making that suggestion, when I came here for the University Bill Select Committee. I regret that things have not improved. Now that he is going to the Tando division and Jamesabad, he would see and hear for himself and will, on his return bring to the notice of the Government the situation as it strikes him. He will know the extent of the sufferings of the people and how and to what extent takavi has been given and how private charity has been distributed under the auspices of the officers of the Sind Administration.

The Honourable the PRESIDENT: There are several honourable members who have visited the flood area and who are willing to address the House. I think they understand that their remarks will have to be limited.

Mr. HAJI MIR MAHOMED BALOCH: Sir, I also want to speak. I will take only five minutes.

Mr. W. S. MUKADAM (Panch Mahals District): Mr. President, it is a fact universally acknowledged that the congratulations from the critics are valued more than the admirations from admirers. Sir, I am not ashamed to say that I am a bad and bitter critic of the Government when the Government is in the wrong. But I must say that I will never be

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slow and sluggish in congratulating the Government when Government deserve congratulations and admiration. I consider, Sir,.....

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : When did you learn that ?

Mr. W. S. MUKADAM : When you taught me that.

The Honourable the PRESIDENT : Order, order.

Mr. W. S. MUKADAM : I believe, Sir, a fair critic has no right to criticise the Government or his opponent if he is not prepared to come forward to give him congratulations when he deserves them. Sir, I am not going to mar the spirit of appreciation even by saying that Government has done nothing extraordinary but has performed its own duty in giving relief to the distressed in Gujarat. I am not going to say that. Honestly speaking, I never expected this kind of sympathetic treatment and sportsmanlike spirit from this Government when Gujarat, the Garvi Gujarat, Gujarat, the garden of this presidency, was under a great cloud of calamity.

Sir, after expressing my satisfaction on behalf of my constituency, I am going to draw the attention of the Government and request them humbly to reconsider the question and the suggestions made by my honourable friends from Kaira and Ahmedabad. The question regarding the interest on loans should be re-considered. Even loans, under those circumstances, are a great help to our agriculturists ; but loans on interest at this critical juncture can be taken as a present of a turban without a gold cloth. I hope Government will reconsider this question and do the needful in the matter. I venture to make some few suggestions regarding the flood relief work. In Panch Mahals there are several villages that have suffered much during this flood time. When His Excellency was there in Godhra, in an interview I suggested that those villages in the Halol taluka that are situated on the bank of the Dev river should be removed from that site and some better site, suitable site, should be selected for the situation of such villages. The other fact I regret to bring to the notice of the Government is what I heard in the meeting of the flood relief committee of Panch Mahals, when a member there made a statement before the Collector that hutting materials sent through the forest officer or the relief officer there are of inferior quality and some materials are perfectly useless for hutting purposes. And much more than that, what was stated there is this, that the prices demanded or offered for such materials were very high and in certain cases they were double. It is said in the world that the husband is the last man to know the vices of his wife. In the same way, the heads and the highest officials are the last persons to know the defects and the internal arrangements of their own subordinates. I ask the Government and appeal to the authorities concerned to be very active and vigilant in a special manner in this special matter, and I think this only indirect and humble suggestion of mine will open the eyes of the authorities concerned and I hope they will do the needful. Again, in brief I congratulate the Government and thank

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the Cabinet for what they have done for the relief of the distressed in Gujarat. With these few words I resume my seat.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to support this demand for supplementary grant. Government can be said to be almost generous, looking to the attitude which Government has adopted in the past towards the condition of the ryots in time of distress. As a matter of fact, when the honourable member from Kaira, Rao Saheb Dadubhai Desai, was trying to point out that the provision was inadequate, one member from the Deccan exclaimed, "What does Gujarat want? Does it want fifty crores of rupees?" I do not wish to appear provincial, but let me remind such members that, if you look to the budget, you will find that Gujarat is the province which is contributing handsome surpluses year after year. If you look to the revenue, you will find that Gujarat is probably contributing twice as much as any other province to this presidency. If you look to the expenditure side, you will find that much less money is spent on Gujarat. If you take the one head of communications, you will find that less money is spent in the whole of Gujarat than in the one district of Poona. If you look to irrigation, you will find that crores of rupees have been spent on Deccan on protective irrigation works, which are going to yield a very low rate of interest, which means that the presidency has been giving so many lakhs every year for protection against famine, and if you look to the expenditure which has been incurred on famine relief in the past, you will find several lakhs are being spent every year on famine relief and only a very small portion of this sum has been in the past expended on Gujarat. So, if the presidency and Government are a bit generous in the matter of relief to Gujarat, I think it is but in the fitness of things. As Mahatma Gandhi has put it in his *Young India*, Gujarat, the garden of India which used to fill the beggar's bowl is obliged to take the beggar's bowl herself in the time of her calamity. So, if people are a bit generous towards Gujarat, it is only in the fitness of things, looking to the fact that Gujarat has been contributing handsomely to the revenues of the province. I would again request the Honourable the Revenue Member to consider whether the provision made for relief is quite sufficient and adequate. Much will depend on the manner in which the advance required for this reconstruction is made. If Government is very strict about the security which they require from the persons to whom they would give their advance, I think not half the amount which they have provided for would be taken up, because it is more than probable that many of the people would not be able to give as sound a security as, for instance, would be expected by a bank. Government will have to take several risks, and they should look at this matter from a generous point of view. I say they should be prepared to write off a fair proportion of the amount that they will be advancing. Unless they adopt a liberal attitude in that respect, I can say without the least hesitation that not even the amount provided for—though I consider it not quite sufficient—would be taken up. Also you will have to devise a special procedure for making the advances to the ryots. If there is

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too much harassment, if the subordinate officers of the department, through whom the advances are being made, try to pocket some of the money which is to be advanced and if other hitches are placed in their way, it will frighten the people away and it is possible that many people would not come forward to ask for loans. So, it is quite as important to look into the manner and the method of advancing the money as to the actual amount provided for.

I would at the same time like to know whether Government has come to any decision about granting remissions of land revenue, total or partial, in those cases in which they may appear to be called for. There will be several cases in which the crops have been washed away and owing to some reason, the poor cultivator has not been able to re-sow the land. Surely, nobody would maintain that where crops have been washed away by floods and where the cultivator has not been able to re-sow, he should be made to pay up the full assessment of land from which he has not realised any outturn and, as a matter of fact, in cultivating which he has incurred some loss. He has lost his seed, he has lost his cost of ploughing, he has lost his other expenses. There are other cases in which land has been rendered absolutely unfit for cultivation by deposit of huge quantities of sand and stone. Such lands also will have to be surveyed and the assessment of those lands will have to be permanently written off. If possible, efforts should be made by Government to make grants of land of nearly equal area or equal assessment to those people free without charging any occupancy price. The poor peasant has lost his land owing to no fault of his and it is but meet that he should be compensated by the State. The provision made for free relief of ten lakhs must be considered to be too insignificant and too paltry. The loss has been estimated to range from three to five crores of rupees and ten lakhs does not work out even at 5 per cent. of the total loss. If we look to what Governments do for their own people in other civilized countries, we will begin to realise how very unsympathetic, how very unobliging, I might almost say how very non-co-operating we are with the poor people. If you look to England, you will find that all the old men are given pensions, all the unemployed get doles. Opinions may differ as regards giving money to people for maintaining themselves, but there can be no two opinions that those people who have suffered heavy losses, whose whole wealth has been destroyed, that such people should be helped by the State, that they should be made strong enough to stand on their own legs. And, what is the compensation of ten lakhs of rupees where the loss runs into three or five crores of rupees? I think that even if a provision of fifty lakhs had been made, that would not have been considered to be excessive. Any free assistance up to the extent of 25 per cent. of the total loss would not be considered excessive. However, if Government cannot be generous in this respect, I would at least request them to be more considerate as regards the rate of interest which they are going to charge. Suggestions have been made by various members that either the loans should be without interest or that the rate of interest should be lower. Another

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suggestion which appeals to me is that no interest should be charged if the loan is returned in a very short period, say of five years. If a borrower agrees to return the whole amount within five years in five equal instalments, no interest should be charged to him unless he fails to pay one or more of the agreed instalments. If Government adopted that suggestion, the annual loss which they would incur, would not be at all considerable. Moreover, this concession about the rate of interest may be restricted where the amount of loan does not exceed five hundred or one thousand rupees. If that is done, I think the total loss which Government would incur for only five years would not exceed two to three lakhs per year. When Government has constructed protective irrigation works in other parts of the Presidency costing crores of rupees on which the loss of interest alone comes to ten lakhs per year, if Government were to make a little sacrifice only for a short period of five years, there would be a temporary loss for a short period of five years as against the other loss of ten lakhs annually and permanently. I hope that Government will carefully consider this suggestion about their being more lenient as regards the rate of interest which they are going to charge. I would have been more glad if Government had been generous enough to give a much bigger free grant ranging up to 25 per cent. of the total estimated loss, but as that has not been done, I think the next best thing which Government could do would be to be more liberal in the matter of interest. A small remission of interest to the extent of two or three or four lakhs of rupees for a short period of five years, accompanied by the condition that the interest would be charged if the instalments were not made, would on the contrary work in the interest of Government. If this concession is not made, it is possible that the entire loans may remain unpaid, but people may be tempted by this offer of remission of interest to pay the instalments regularly and that will enable Government to recover the amount advanced by them in a shorter period. With these few words, I resume my seat.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I wish to join my voice in the general chorus of congratulations showered on the Government for the fairly large funds which they have made available for the purpose of flood relief. I feel that the people of this Presidency are greatly indebted to Government for, on the whole, the generous and sympathetic attitude they have adopted towards the people, and they are specially thankful to those who guard the finances of this Presidency and the honourable member in charge of the Revenue Department for all they have done. But, as a great Indian leader once defined the word "gratitude," it amounts to thankfulness for action taken and action to be taken. I believe therefore that hereafter, during the next few months also, the attitude of the various departments of Government towards the people will be very sympathetic. I do not wish to compare or contrast the conditions of Gujarat with those which prevail in Sind. I believe we are parts of one Presidency, I would say one country, and therefore members belonging to one particular portion need not be jealous of any charitable treatment shown towards the people of any other part. My



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only feeling is that, while the Government of Bombay, *i.e.*, the Members of the Bombay Government here, have one and all been very anxious to do the best they can, much has depended on the reports they have received from the local officials. My complaint is that unlike what they did in the case of Gujarat, they did not rely in the case of Sind on the reports of non-officials. If similar weight had been given to the reports made by non-official agencies in Sind, probably we might have heard less of grievances from Sind. It is not possible for me to deal with the facts relating to Gujarat because I am not familiar with that part of the Presidency, but I would generally endorse the requirements that have been placed by the Gujarat members before the Council and before Government.

With regard to Sind, I feel that the calculations made by Government as to the losses and as to the amount of takavi required are most inadequate. I do not think that the question of going into the losses is irrelevant to the present discussion. The question of the amount of losses suffered by the people indirectly bears to some extent on the takavi to be given, and it also bears directly on the amount of remission which has to be given. I do not know why the local officials in Sind have been over-anxious to see that they do not put up a fairly high, though correct, figure of losses. It is not that they are not able to calculate losses. The Commissioner in Sind has admitted that it is not impossible to calculate losses, even approximately. I realise that it would be impossible to calculate losses accurately, but in a public meeting in August, while admitting that it was impossible at that stage to make any accurate estimate of the losses, he said that he was probably within the mark to say that 40 per cent. of the Kacha houses had fallen down, that 50 per cent. of the crop has been irretrievably lost and much of the remainder has been damaged and that there have been heavy losses of cattle due to exposure, that 20 to 45 per cent. of the cattle has been lost; in the Mirpurkhas taluka the loss other than damage to crop amounts to ten lakhs; in Digri seven lakhs is the estimated damage and four lakhs in Jamesabad taluka. This, Sir, was the very first estimate made. Since then, I understand that the Commissioner in Sind has issued a fresh circular asking for the latest estimates, and the latest estimates with regard to Thar and Parkar, with regard to which area figures have been published, are these. I am not including crops; I am only dealing with cattle, houses and other property, and with regard to these three items I do not think Government contended that there was any difficulty in arriving at even an accurate estimate. While on the 16th of August the Commissioner said that the losses of cattle, houses and other property in Thar and Parkar division were Rs. 21 lakhs, it was admitted at a later stage that it was Rs. 30 lakhs. But my contention is that Government is not in a position to give an accurate estimate not because they cannot, but, in my opinion, because the local officials have not done their duty in arriving at proper estimates. When the President of the Servants of India Society travelled through the afflicted parts, he, at considerable inconvenience, tried to get into touch with the people and ascertain and

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check the figures which were supplied to him ; and his estimate of the losses in Thar and Parkar district, in the shape of cattle, houses and other property, was Rs. 64 lakhs, that means double of what the Government estimate them to be. It has been suggested that Government would prefer to go by the official estimate. I would have yielded to this argument, if they had maintained this attitude consistently, but I find that the Commissioner in Sind, in appealing to the Bombay Central Flood Relief Committee for assistance, has adopted the estimates prepared by Mr. Devadhar, and in the application which he made on behalf of Sind for an additional sum of Rs. 50,000, which was sanctioned only the other day, this is what he says :

"The cotton, rice and bajri crops have suffered in a large measure. Mr. Devadhar, President, Servants of India Society, who toured in most of the affected areas, estimates the loss of kharif cultivation only at Rs. 34 lakhs, and 4 out of 5 talukas have been severely hit in Thar and Parkar district."

And then the Commissioner in Sind proceeds :

"The above details will, I am sure, convince your committee of the great need for pecuniary assistance to relieve the misery of the afflicted people in both the districts."

If the estimates of Mr. Devadhar with regard to the losses in the affected areas in Sind are sufficiently reliable to convince the Bombay Central Flood Relief Committee of the necessity for an additional grant of Rs. 50,000, I contend that they are reliable enough to convince the present Government, as to the extent of the losses.

The Honourable Mr. J. L. RIEU : May I point out to the honourable member that the figures quoted by the Commissioner in Sind in this report to the Central Flood Relief Committee are exactly the figures which I quoted to the House in my speech yesterday ? It is true that he accepts Mr. Devadhar's rough estimate of the losses of property, which is largely a matter of conjecture, but as regards the estimates of losses of cattle, house property and other moveable property, the details given are exactly those which I gave to the House yesterday.

Mr. JAIRAMDAS DOULATRAM : The remarks of the Honourable Member for the Revenue Department are of great assistance to me. They confirm exactly what I have said. While Government ventures to make a certain estimate of the losses with regard to cattle, houses and other property, which comes to Rs. 30½ lakhs according even to this appeal of the Commissioner to the Central Flood Relief Committee, they do not want to state what the losses in crops are, except by a percentage. But they use the estimate which Mr. Devadhar has given as to losses in crops, and think it is sufficiently reliable and convincing as an argument to any committee or body which has got to grant funds, and therefore they use it, and I therefore state that I am equally justified in using Mr. Devadhar's estimate as to the loss in crops.

Sir, I must confess that I speak with a certain amount of nervousness and trepidation when I refer to the attitude taken up by some of the local officials. More than once it has been suggested in this Council from the opposite benches that officials do their duty, when anything is suggested by us to the contrary and any remarks we make that officials

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have not acted properly are resented. But I was heartened by the remark of the Honourable the General Member yesterday, in reply to a supplementary question, that Government and their officials are human and liable to err and make mistakes, and therefore I venture to say something about the local officials. Sir, the chief reason why the local officials in Sind have not been able to make any reliable estimate with regard to the losses, or have not been able to satisfy public opinion that the demands which they have put up on behalf of the people with regard to takavi are at all adequate, is that they have not moved out into the villages. My complaint, with regard to the district of Hyderabad, is that the Collector did not move out. I am talking of the late Collector, Mr. Gibson, who was there until about a month and a half ago. He did not move out among the people, and I do not know whether the Collector who took charge about a month ago has done so. Throughout the period that officers were touring about in Gujarat, the local officials in Sind stayed at their headquarters. I know that the Commissioner of the Northern Division left this Council in the middle of a session, and went to his post of duty, but with regard to the Collector of Hyderabad, he was not in the villages when he was most needed there. The Collector of Thar and Parkar too hardly took any further action. It is true that he remained at Mirpurkhas four or five days, because the situation there needed his presence, but with regard to the mofussil, except the attempt to reach Jamesabad on the 30th of August, he took no further step until a day or two before the Commissioner was to arrive in Thar and Parkar district. He stayed in Mirpurkhas and relied upon his subordinates to give him information. Even with regard to the visit of the Commissioner which took place somewhere in the month of September, I found that he too did not venture to go anywhere except along the rails; either the train or the trolley took him to the various important towns. The Commissioner, in my humble opinion, has no personal experience of the state of affairs. I think that there is some truth in the Indian proverb which says that where a king takes only one apple from the garden of any of his subjects, his army loot the whole of the garden. The converse, I think, is also true; where a high Government official takes a little initiative and wishes to get into touch with the people and ascertain on the spot the losses they have suffered, all the officials lower down feel that it is their duty to do something. I am thankful that the Honourable Minister for Local Self-Government has decided to see the flooded areas. I would have wished to have an opportunity of thanking him even more if he had come earlier, despite the advice he received. I wish also to draw the attention of this Council to the attitude taken up by the officials, even after Mr. Devadhar's visit. As a result of the suggestion made by Mr. Devadhar, the Collector of Hyderabad proposed to call a conference of officials and non-officials to discuss the question of takavi, as was done at Nadiad in

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the month of August. I would just read a brief extract from the interview given by Mr. Devadhar to the press. It says :

“ Before discussing in detail the damage done and the relief required, Mr. Devadhar emphasised the urgent need for summoning a conference of officials and non-officials in each district, with a view to removing any misunderstanding or ignorance regarding the intentions of Government to help people liberally on an occasion like this, and to explain to them Government's policy with regard to remission in cases where crops have failed badly and takavi loans free of interest. Such a conference would help officials to make a total demand from Government for takavi and to appeal to charitable funds for a share of the money collected for gratuitous relief. ”

The Collector of Hyderabad ventured to summon such a conference, and notices, I understand, were issued to a number of non-official gentlemen. Before the conference came off he ventured to ascertain the wishes of the Commissioner. I do not know the nature of the further correspondence which passed between the two officials. But the fact remains that the conference was cancelled and only officials met and I am not aware of the decisions arrived at. I have quoted this only as an instance of the attitude adopted by the local officials in Sind.

I find that only 7½ lakhs of rupees have been allotted to Sind for tagavi advances out of a total sum of over 18 lakhs. Mr. Devadhar calculated that the requirements of the two districts will be at least 30 lakhs after allowing 50 per cent. margin for any errors in the calculation. The Tando Zamindars' Association, after careful discussions and calculations, have made a demand on the Revenue Department for tagavi loan for rabi and kharif to the extent of 20 lakhs. I trust that this request will be sympathetically considered by Government. Whatever may be the amount of tagavi granted by Government I would wish to draw their attention to the fact that they should see that this tagavi reaches the people. The honourable member for Thar and Parkar has suggested in very cautious language that Government should see that the people receive the tagavi properly. I think it is desirable that instead of the people going to the headquarters, where they have to spend days, it will be convenient if the muktiarkars are instructed to go about in the talukas from place to place, i.e., to important centres and distribute tagavi loan. I also wish Government to enquire into the allegations which have been made in the press that there is a considerable percentage of what is technically known as leakage in the distribution of tagavi. I do not want to make a definite statement as to the percentage but from the reports I have received I do not think that it will be anything less than 12 per cent. I am sorry to say that with regard to the distribution of tagavi the Thar and Parkar Association for the Relief of the Blind is particularly interested to see that it utilizes this occasion for its benefit. Responsible officials of this association charge those who come for Tagavi a certain percentage which I understand is from 5 to 10 per cent. of the tagavi loans given to the people. That association is presided over by the Collector of the district. I would therefore suggest that Government should make very strict enquiries into the matter. If there is no truth in the allegations made in the press I think it would be a very desirable thing that Government should be in a position to contradict them.

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I find that a fairly large amount has been allotted for the purpose of reconstruction of houses. With regard to this item I find that a responsible officer has been appointed as flood reconstruction officer for Gujarat. I do not know what considerations weighed with Government or with the Commissioner in Sind which led to the appointment of an officer of the position of a mamlatdar as flood reconstruction officer for Thar and Parkar district. The mamlatdar cannot naturally be expected to exercise his discretion with that measure of independence which is necessary. If he makes any proposals his official position as a subordinate will come in the way. I am also surprised to see that the flood reconstruction officer has not been appointed for the other district. The flood relief reconstruction officer of Thar and Parkar will have no jurisdiction over the Hyderabad district. The whole of Hyderabad will go without the assistance of such an officer. The result will be that additional work will be thrown on the Mukhtiarkar who has to distribute tagavi and the work of reconstruction is bound to suffer. I will, Sir, cut down my remarks as I find that it is getting late. In the town of Mirpurkhas there are 300 families of labourers living in a quarter known as Gharibabad. All the houses have been levelled to the ground. The labourers asked for permission to rebuild their houses after the rain stopped on the 30th July but up to date they have not got permission for reconstructing their houses.

The Honourable Mr. J. L. RIEU : Who gives the permission ? Is it not the municipality ?

Mr. JAIRAMDAS DOULATRAM : The plot does not belong to the municipality unfortunately. I wish it did. It belongs to Government. The present Collector says that unless the whole village is remodelled he will not give permission. He wants that the width of the streets should be 30 feet. These houses were remodelled seven or eight years ago by a Collector who is now a member of this House. That officer understood the necessities of the situation and laid down that the width of the streets should be 20 feet. A width of 40 feet for the main roads and a width of 20 feet for the streets of a small village of 300 houses will be sufficient for ventilation and other requirements of the villagers. I am surprised to hear that the present Collector refuses to grant permission unless they allow a width of 30 feet for the streets. I suggest that Government should take some action in this matter. I understand that Government have issued a notification for the acquisition of a new site. If no action is taken the people will have to evacuate the present plot and they are unwilling to do so because the cost of removing the debris and other materials will be very heavy.

One or two points more and I have done. I would suggest that sufficient funds should be placed at the disposal of the central and district co-operative banks. This is not a question of relief only to the members of the present societies. There is a scheme under consideration for the reconstruction of houses on a co-operative basis. If sufficient funds are placed at their disposal, many people in the flooded areas will support that movement.

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There remains the question of future measures. I do not want to go over the facts which have been given by the honourable member Mr. Noor Mahomed. I think he has made out a case for a much larger measure of remission. I must say that the figures given by the Honourable the Revenue Member of the amount of remission expected to be given are, to say the least, extraordinary. If the policy with regard to remissions is not very generous the situation for the agriculturists will be very grave and they will not be able to recover the lost ground for many years to come. We have got another difficulty which affects the agriculturists. We have read even in to-day's papers that locusts have been swarming over large tracts of the country. Some of these tracts have not suffered from floods but there are others which have suffered from that calamity also. In certain other parts the river level having fallen people have not got sufficient water for cultivation. These facts will have to be considered when the question of remission is decided.

Finally, one fact which I want to bring to the notice of the honourable House is that probably the rains were not so much responsible for this calamity as the most unsatisfactory system of drainage in Sind. I do not know, but if anybody files a suit against Government I do not know if he will be not able to make out a good case. It is a fact that for several years these particular channels which are maintained for the purpose of draining off excess water have not been cleared. They have silted up. The result was that when the rains came some channels overflowed and the water could not be drained off by these channels. Take the case also of Puran Dhoro. This drainage channel is 150 feet broad through most of its course but when it reaches Jhudo about which the Honourable the Revenue Member read out a telegram in August last, it narrows down to about 12 feet and all the volume of water flowing down from the upper regions has to rush through this narrow neck, with the result that a large area round about this narrow neck gets flooded and many a town is affected. This is what happened during the recent floods. I hope steps will be taken to remedy this state of affairs.

Rao Bahadur B. R. NAIK (Surat District) : After so much praise and congratulations have been poured forth from this side of the House on Government, I am afraid that to add to it will be a burden on Government and therefore I am not going to enter on that formality. I do not also wish to take up much of the time of the House, because sufficient has been said about Gujarat and Sind by honourable members who have come from those places and who have intimate knowledge of that area. I want only to deal with one or two points.

Yesterday, Rao Saheb Dadubhai Desai said something about land having been covered with a thick layer of sand. I have also received this complaint from other quarters in Gujarat. When a large area of land has been covered with sand, I think it is up to Government to appoint an officer to investigate into this and try to remedy the evil. This land which has been rendered useless should be made useful. There is again the case of land whose fertility has been destroyed by the floods washing away the thin layer of fertile soil on the surface. This also should be

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enquired into. Those landowners who have suffered on account of these phenomena should be shown concessions in the form of remission and suspension of revenue, till such time as the land again becomes useful for cultivation. There are also large tracts of land washed away by rivers and nalas, and which can no more be cultivated now and those landowners who have suffered by this should be given remissions of land revenue on such land and they should be provided with new waste land to provide means of sustenance for them. These are the important points which I want to place for the consideration of Government.

There is then the question of interest on loans and tagavi. I see that sufficient praise has been bestowed on Government for their coming forward with a big grant to be given as loans to agriculturists from the Famine Insurance Fund and from general reserve. I am not prepared to say that the rate of interest is very high, but it is a God sent calamity, and when people have lost everything they had, it is not fair on the part of Government to take interest for the loans they give to them. I do not know what amount will be required, but I take it that about 2 crores will be required. If you give 2 crores as loans, the interest on that will be 9 or 10 lakhs. I suggest that this can be met from the Famine Insurance Fund. I understand that the Famine Insurance Fund was specially meant for such purposes. Just as famine is caused by want of rains, famine is also caused by floods, and I think money for this purpose can be taken from the Famine Insurance Fund. I did not know much about these tracts, but when the Leader of the House was in Nadiad I was also there, and with Rao Saheb Dadubhai Desai we went into the country, and there I found the same state of things as was described by the honourable member Mr. Jairamdas Doulatram, namely, that the drainage system was defective for preventing such damage as has been done by the recent floods. That is a state of things which Government ought to remedy.

I do not want to go into the inadequacy of the amount provided, because I do not know how much will be required, nor do I want to go into the figures of loss caused by the recent floods given by the official and the non-official side. I only want to impress on the Government that those landowners whose lands have been made useless by the floods depositing a thick layer of sand on them or removing the thin surface layer of fertile soil or whose lands have been completely washed away by rivers and nalas should be given remissions and some waste land should be provided for their means of sustenance in the meantime.

The Honourable Mr. J. L. RIEU : What is that area ?

Rao Bahadur B. R. NAIK : I cannot say that but I would request the Honourable the Revenue Member to appoint an officer and ascertain it for himself. I only point out that such landholders should be given remissions and concessions.

The THAKOR OF KERWADA (Northern Division) : Mr. President, I heartily associate myself with the honourable members who have

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offered thanks to Government. As one of those who had to go with the Honourable Minister and His Excellency the Governor in Gujarat, and on behalf of my constituency I wish to offer my warmest thanks to His Excellency the Governor and the Members and Ministers of his Government who came down to Gujarat not only to extend their personal sympathies to the sufferers but also to make searching inquiries from house to house in certain areas. There is one point I wish to urge. The Honourable Members and Ministers who visited certain villages in the affected areas will agree with me that the condition of the people whose houses and property—in fact everything that they can call their own—has been washed away, is very pitiable. It will be many years before they will be restored to their original state of prosperity. In view of the fact that their houses have collapsed and their crops have been destroyed, I would request that Government should treat them more liberally than they propose. I earnestly appeal to the Honourable the Revenue Member and the Honourable the Finance Member that they would make the tagavi advances to these people free of interest. I know that the interest they propose to charge is very low, but looking to their condition they are entitled to this much sympathy from Government, that tagavi advances to them should be free of interest. It may be argued that if tagavi is made free of interest, some people may not be inclined to pay the principal back. If that is the fear, a period of six years may be fixed within which the amount should be paid back, and if the amount is not paid back within that time, a moderate interest may be charged for any period after that. As so many speeches have been made in support of this recommendation, I hope Government will consider this question very sympathetically. Secondly I believe malaria and other epidemics are appearing in the affected area. I trust that Government would come forward and give medical relief to the people in the affected area. Generally they make conditional grants. That is they make a grant on the condition the local board gives a certain amount. I do not think it is fair because the local boards of Gujarat have had to incur lot of expenses on account of the damage done to their roads, bridges, etc., they cannot find the money to give medical relief to the people in the flood area. Therefore I hope the Honourable Revenue Member would bear in mind these two points, namely, that medical aid should be given and that tagavi loans should be given free of interest. With these words I support the demand.

Mr. RAJMAL LAKHICHAND (Addressing the House in Hindi): Mr. President, I want to bring the chair of the President of the Assembly near the Honourable the President's chair.....

The Honourable the PRESIDENT: That is distinctly out of order. If the honourable member wants to speak on the question before the House, he may do so.

Mr. F. G. H. ANDERSON: Sir, there have been two points raised in the speeches of the honourable member from Kaira, Rao Saheb Dadubhai Desai and his honourable colleague, also from Surat, Mr. Shivdasani,



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and Rao Bahadur Bhimbhai. I may say that it is a matter specially connected with my department and which therefore I wish to answer although I notice the House is most anxious to get on to other business. The points are that in the area which has been damaged by the floods a number of wells have been obliterated and fallen in by the flood water and that a large quantity of stone has been washed away by the floods and that where it has not been washed away heavy deposits of sand and gravel and stones have been thrown upon the land rendering it infertile and that the land has thereby deteriorated. Now, Mr. President, these are matters which fall exclusively within my department and I would like the House to know what has really been done. The honourable member Rao Bahadur Bhimbhai trusted that Government would appoint a special officer to investigate these matters. These floods occurred, so far as my recollection carries me, about the 24th, 25th and 26th of July and before the end of July, as soon as I read of the floods in the papers, I recognised at once that these things may possibly happen. I therefore addressed the Superintendent of Land Records, Ahmedabad, before the end of July. He is an officer well-known in Gujarat, Mr. C. D. Kavi, who is intimately connected with agriculture. What he does not know about land, nobody knows.

Rao Saheb D. P. DESAI : He does not know agriculture.

Mr. F. G. H. ANDERSON : He does. He had a long training in these subjects. Well, I wrote to him and I stated that I feared that damage of this sort may possibly happen and I said "if you require special establishment to go into it, you may at once put it on and inform me. Please call on all district inspectors and circle inspectors, to send an intimation at once if in any locality special damage has been done." Now, as the House may know we have a complete record of all the wells especially in Kaira, they were inspected, measured and recorded when the original survey was undertaken and all information regarding the quality and quantity of water available, and the structure of the well recorded. And during the revision survey this was done again; and about three years ago in consequence of complaints of deterioration to wells it was again done. Therefore if any person comes forward and says that certain wells have been destroyed by the floods it is possible to verify the information and to give him the required relief. Very well, I made that suggestion to Mr. Kavi before the end of July. Then, I received some resolutions that have been passed by an agricultural association in Gujarat calling attention to the damage that has been done to lands. I underlined those portions and sent the extract on to him saying "Please pay the most careful attention to this and let me know promptly what you mean doing. If you want special establishment let me know." Mr. President, Mr. Kavi will be the last man, if he wanted special establishment, to decline it, because on account of retrenchment he has had to reduce his temporary establishment and he was finding it difficult to manage the reductions. Up to the present day his information

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is that no case was brought to his notice that would at all justify special establishment.

Mr. G. I. PATEL : On a point of information, Sir. Is Mr. Kavi aware of the fact that certain villages were water-logged and were unapproachable for about a month after the floods had occurred ? Has he visited those places ?

Mr. F. G. H. ANDERSON : I have not heard of his having visited any unapproachable places, but that is not the question. I think, if the honourable member had heard correctly what I said, he would have noticed that I stated that Mr. Kavi was instructed to call on all circle inspectors who have been allotted to every group of twenty or thirty villages to report the cases of any damage. Nor have I said that there were no such cases. We know that certain villages have been surrounded by water and that certain villages have been water-logged. And during the next few years those villages will receive considerable benefit from this inundation. The point that I was making was that firstly there had been no neglect by our department which was responsible for taking early action ; and orders were given as a precautionary measure ; and secondly that if there was the slightest indication of a special establishment being required we would have put it on. But Mr. Kavi had not found a sufficient number of cases that would justify a special establishment. Moreover as the demands for land revenue are not due for several months yet there is plenty of time left us. The greatest care is being taken so far as my department is concerned to see that there is no neglect on our part.

Mr. G. I. PATEL : Is the honourable member prepared to accept the figures collected by the non-official agency as to the areas damaged ?

Mr. F. G. H. ANDERSON : Most certainly not.

The Honourable the PRESIDENT : I want the honourable member to know that I would give him only a few minutes as the Honourable the Revenue Member has to make his reply.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, the calamity that has overtaken the two parts of this presidency, namely, Gujarat and Sind, is such that it will be many years before the agriculturists will be able to come back into their own. They have lost their everything. They have lost seeds once, twice or thrice and even after those adversities even the insects are now working havoc in various places, and, therefore, the calamity is such that the agriculturists are altogether ruined. Sir, at this time it is very gratifying to note that Government have done the necessary changes in the Devolution Rules or in the interpretations of those rules and the Famine Relief Fund has been made available for flood relief. But for the changes made in those rules, Sir, that fund would not have been available for the purpose. Sir, I want to point out one more factor in connection with this relief work, namely, about the Famine Insurance Fund. When we insure a house or any other thing, at the time when some calamity occurs, we get the whole money back. Now, this insurance fund has been made out

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of the large revenue payments that are made by the cultivators to this Government, and the Government insure against such calamity, and when such calamity occurs, the insurance money should come back to the cultivators not for the purpose of making a trade or profit out of it, but it must come without any sort of charge being levied against it. Therefore, I want to specially draw the attention of the Honourable the Revenue Member and also the Finance Member that, if they understand the spirit of the fund which is going to be utilised for the purpose of affording relief to the cultivators, they should give back the money to the cultivators without any charge being levied on it. Sir, out of the amount of Rs. 90 lakhs that is being made available, Rs. 10 lakhs are going to be given gratis. But the other Rs. 80 lakhs I should strongly recommend the Honourable the Finance Member to make available for the poor people without any interest. Sir, do you know what the fate of the cultivator is? For purposes of his seed sown before the flood he may have got advance from some sowcar. The crops of the first seed were washed away in the month of July. In some talukas, even in August there were other rains and the seeds which were sown between the first flood and the second flood were also washed away. I refer to the case of Viramgaum taluka, where floods occurred twice. Here in those parts the cultivators have lost their seeds twice. They are indebted to the sowcar; they are again indebted for the tagavi advance to the Government. Here, in certain cases, they may be indebted to the relief committees if they have taken advances from them. In this way, the cultivator has been practically overburdened with debt from head to foot. Sir, in this condition, it is necessary that Government should make declarations that would allay his fears. He is just now fearing very much on the point of the land revenue. The important declaration that the cultivator expects is about the way in which the revenue will be collected this year. I think the calamity is so great that Government should come to the aid of the cultivator and declare that they will examine the situation carefully and will give remissions and suspensions on very liberal scales, so that the cultivator may not be afraid of his position. Sir, in this connection I might point out to you the situation in which these cultivators are placed. On the 23rd of July the rains came, and unfortunately on the same day in the villages of Viramgaum taluka notices of enhancement of land revenue also were posted in each and every village. Therefore, the cultivators are in the greatest anxiety. They have been ruined in every possible way and the Damocles' Sword of this enhancement of land revenue is hanging over their heads. They have no vitality. Malaria is attacking them, and now insects also have been ruining their cultivation by working havoc with seeds and crops. There is not a single idea on which they can have some consolation. Under those circumstances, it is necessary that Government should make a declaration of their policy in such a way that the poor cultivator may not have any anxiety in the matter and may be able to come back into their own. And the housing advance will have to be repaid, and that also with a charge of interest and looking to the condition of the culti-

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vators, I do not know when all these charges will be recuperated. Perhaps years may elapse before the cultivators can come into their own. Therefore, this special calamitous situation should be taken into consideration in a sympathetic spirit by Government, and if they keep the cultivator alive, it is the cultivator that will repay them in the end for all the help that they will give him in his present miserable condition.

Mr. J. W. SMYTH : I move the closure, Sir.

The Honourable the PRESIDENT : I accept the closure. The Honourable the Revenue Member to reply.

Mr. HAJI MIR MAHOMED BALOCH : But I want to speak for only five minutes.

The Honourable the PRESIDENT : I have accepted the closure.

Mr. HAJI MIR MAHOMED BALOCH : Sorry, sorry.

The Honourable the PRESIDENT : I would call upon the honourable member to withdraw those words.

Mr. HAJI MIR MAHOMED BALOCH : I will withdraw, Sir, but.....

The Honourable the PRESIDENT : There is no question of " but " ; the honourable member should withdraw those words.

Mr. HAJI MIR MAHOMED BALOCH : I withdraw.

The Honourable Mr. J. L. RIEU : Mr. President, I find myself in the unusual position after having moved a grant for the sanction of this House of having to defend it on the ground that it is insufficient. Generally, things are the other way about. I am glad to note the expressions of appreciation on the part of most honourable members for the consideration and liberality which Government have shown in dealing with the situation in Gujarat and Sind, and, therefore, I will confine myself to dealing briefly with some of the few individual points which have been raised in the course of this debate. A great deal of stress has been laid throughout on the estimate of damage done as constituting a measure of what Government should do in the way of granting assistance to repair the damage. But as I stated in my opening remarks, most of the estimates that have been made in the press and elsewhere are altogether fallacious in that they contain as a principal factor an estimate of the value of the crops which are alleged to have been lost, such estimate being taken of the full value of the mature crops. I cannot admit for a moment that any estimate on this basis is correct. The crops were not mature. They had merely a potential value, and either they have since been, or they will be, replaced by kharif crops or rabi crops, as the case may be, and, therefore, as I pointed out before, it is not fair to represent that these crops destroyed are a pure loss to the cultivators. If the floods had occurred when the crops were ready for reaping and there had been no possibility of resowing the crops, then I admit that it would be reasonable to count the full amount of the value of those crops as lost to the cultivator. (Mr. G. I. Patel made a remark which was inaudible).

The Honourable Mr. J. L. RIEU : That is only a small factor in the total.

Then, the honourable member Rao Saheb Dadubhai Desai has laid stress on the point that according to him the Collectors have greatly underestimated the amount which will be required as loans for reconstruction. He alleges that people were induced to report much smaller amounts than they required for fear that they might be charged as much as eight per cent. interest on their loans. I submit that that is altogether inaccurate. My information is that the people for the most part were expecting that they would get loans free of interest or on very easy terms and that, if anything, they consequently over-estimated their demands. In any case, it certainly is not the fact that they had any ground for supposing that Government were going to charge as much as eight per cent. interest. The loans were represented as takavi loans at the time when the officers were making their enquiries, and the people generally know what the current rate of takavi interest is. It certainly is not eight per cent.

Then, a claim has been made that these loans should not bear any interest as coming from the Famine Insurance Fund. With regard to that I may inform the House that it is only after very careful consideration and with some degree of misgiving that Government approved of the debiting of these loans for reconstruction against the Famine Insurance Fund. Strictly speaking, the Famine Insurance Fund is only intended to afford relief within certain strictly defined limits to cultivators, and it was never intended that it should serve the purpose of affording the means of replacing houses on any very large scale, houses for the most part belonging to people who either are not cultivators or are cultivators only to a very small extent.

Rao Saheb DADUBHAI DESAI : Is it not a fact that the Famine Insurance Fund was made use of for canals in Sind ?

The Honourable the PRESIDENT : Order, order. The honourable member does not yield.

The Honourable Mr. J. L. RIEU : The question therefore of remitting the interest wholesale on these loans does not legitimately arise, and it is quite impossible to make any such concession. Government have gone so far as to embark on this extensive scheme of loans largely debited against the Famine Insurance Fund only because they recognized that there are at present no ordinary banking facilities in Gujarat and that therefore it is absolutely necessary to afford such facilities to the people at large.

Then, the honourable member Mr. G. I. Patel has commented on the inadequacy and, as he said the meagre character of the amount sanctioned by Government for free grants in comparison with the charitable grants made by private agencies, and he quoted a sum of thirty lakhs as having been collected by private agency for distribution in Gujarat. His line of argument seems to be that the more that is collected by charitable agency for distribution among the people, the more should Government spend from their own funds....

Mr. G. I. PATEL : That shows the intensity of the distress and the spontaneous help from the public.

The Honourable Mr. J. L. RIEU : I cannot follow the logic of this reasoning. But incidentally I should like to express my deep appreciation of the extreme liberality with which the public of this Presidency have come forward in the matter of subscribing in this great calamity and also of the devoted services of those non-official gentlemen who have served as workers for the organization and distribution of relief in the villages. But to say that because such a large amount has been given by private agency for charitable relief, therefore Government should provide an equal or a larger amount is, it seems to me, altogether unreasonable.

Mr. G. I. PATEL : That is incorrect, Sir. I did not say that. My point was that the acuteness of the distress was so great that the spontaneous help given by private agencies should have been supplemented by Government on a comparatively proportionate scale.

The Honourable Mr. J. L. RIEU : I would point out that there was a general feeling not long after the floods occurred that this free charitable relief was doing more harm than good in that it prevented people, who would otherwise have come to work on the fields, from doing so, and that they preferred to remain at home subsisting on doles rather than go out and earn their living by labour in the fields. This occurred just at the time when the demand for field labour was very great, and there was consequently a general feeling that this system of charitable relief should be brought to a close as soon as possible.

Mr. H. B. SHIVDASANI : What about unemployment doles in England ?

The Honourable Mr. J. L. RIEU : I do not think there was the slightest fear of unemployment nor is there at present. On the contrary, I should say that so far as the poorer classes are concerned, people of the artisan and labouring classes, will, as the result of the demand for labour for the reconstruction of houses, be actually better off in the future than they were in the past. They will be earning good wages and will secure employment on a large scale.

Then the question has been raised of a general remission of the land revenue. I submit that there is no justification for any such remission, but if there are cases where it is found that no re-sowing has been or will be possible on account of the stagnation of water in the fields, or where the land has been for the time being rendered completely unfit for cultivation, Government will be prepared to consider such special cases, and the Flood Relief Officer has instructions to bring to notice any cases where remission on such special grounds would be justifiable.

Then as regards the question of the remission of interest on loans for rabi takavi, there also I may inform the House that the Flood Relief Officer has authority himself to deal with any special cases where the charging of interest on such takavi loans would entail hardship.

A reference has been made to the question of the allotments for takavi grants in Sind. I should like to point out that the grant which we are

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now asking does not necessarily represent the final allotment which will be made. If the Collectors ask for further allotments because more cultivators come forward with applications for grants, I am sure that Government will be prepared to meet such demands.

The alleged inadequacy of the takavi allotments in Sind has, as I say, been commented upon, but I should like to draw attention to the fact that the Thar and Parkar district, with an allotment of Rs. 6 lakhs, stands higher than any district in Gujarat, the maximum for which is Rs. 5 lakhs.

Mr. JAIRAMDAS DOULATRAM : May I rise to a point of information ? Is it a fact that the Collector of Thar and Parkar demanded Rs. 12 lakhs ?

The Honourable Mr. J. L. RIEU : It is true that he originally asked for Rs. 12 lakhs, but then those Rs. 12 lakhs included loans for the reconstruction of houses, while these allotments to which I am now referring, and which are referred to in the statement, represent only takavi for seed and cattle. His application covered the reconstruction of houses as well as seed and cattle ; the allotment of Rs. 6 lakhs is only for seed and cattle. That is the explanation. As a matter of fact, so far as my latest information goes, he has not been able to distribute the whole amount of the allotment already made to him. But if he does require more, he will certainly get it, and I would further inform the honourable member that I have information by telegram from the Collector to say that takavi has been advanced to over 60 zamindars in the flood affected areas of the Thar Parkar district in amounts ranging from Rs. 1,000 to Rs. 4,000.

Mr. NOOR MAHOMED : What are the figures for Tando Division ?

The Honourable Mr. J. L. RIEU : The total is roughly a lakh and a half.

Mr. NOOR MAHOMED : He gave some figures with regard to the Thar and Parkar district. I want the same figures for Tando Division.

The Honourable Mr. J. L. RIEU : What is the demand of the Collector : Is that what the honourable member wants ?

Mr. NOOR MAHOMED : No ; the highest amount that was individually given to any khatedar.

The Honourable Mr. J. L. RIEU : I am unable to say. But with regard to the honourable member's remarks as to the inadequacy of the takavi allotment in Tando Division, I should like him to quote any case in which takavi has been refused.

Mr. NOOR MAHOMED : I will bring it to your notice.

The Honourable Mr. J. L. RIEU : If he will give me a list of such cases, I shall consider them. I have heard a great deal about the inadequacy of the takavi allotments for the Hyderabad district, but I have not had any specific cases quoted to me of refusals. A little time ago, the Jahgirdars and Zamindars' Association of the Tando Division addressed

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me on the subject, and particularly on the question of the grants of takavi to large landholders. I informed them in reply that no discrimination was being made between large landholders and small landholders; the only criteria would be whether takavi was really required, and whether there was an assurance that the applicant would utilise the takavi for the specific purposes for which it had been granted. The Jahgirdars and Zamindars' Association replied that they were fully satisfied, and they have not brought to my notice any case in which takavi has been refused, which I should have thought they would have done had there actually been such cases.

Further, with regard to Sind, we have heard statements made alleging that no officers have visited the villages in the flood affected areas, that the estimates of losses are all pure guess work, and so on. Well, it is rather curious that as a matter of fact the information which I have regarding the effects of the flood in Sind is more detailed and complete than the similar information I have in regard to Gujarat, and it seems to me impossible that all this information has been collected—some of it I gave to the House yesterday—without a great deal of personal inspection. Nor could the large area of land which, as I informed the House, had been given out for cultivation on *eksali* been distributed without a vast amount of work entailing personal inspection. I submit therefore that there is no foundation for the complaints that have been made by the two honourable members from Sind as to the absence of personal inspection on the part of Sind officials. As regards visits by the higher officers, the Collectors and the Commissioner, to the flooded areas, I should like the House to recollect that in Sind communications are much more difficult than they are in Gujarat. After such floods as occurred there this year, it must have been very difficult, if not almost impossible, for officers to travel about the country very shortly after the floods with all the roads cut and the villages and fields under water. If they did confine themselves to the railway as is alleged, that is probably because it was the only way in which they could personally make their inspections. It has also been stated—it is a minor point—that the Commissioner did not visit the Tando Division till September. Well, that is inaccurate; he actually paid his visit in August.

Then, as regards the question of the flood reconstruction officer appointed for the Thar and Parkar district, it is true he is a mukhtiarkar, but for the time being he has the pay and status of a deputy collector, and he is well known to be a particularly efficient and able officer.

Another point that has been made by the honourable member from Hyderabad is as regards the giving out of land for *eksali* cultivation. I think his point was that this *eksali* cultivation is an ordinary matter, and that the land to this extent is given out every year. That is not a fact. The fact is that this *eksali* cultivation is largely in excess of the normal, and in order to admit of its being made, all restrictions on canals were removed, in order to meet this particular emergency. This is obvious moreover from the figures which I quoted yesterday as to the



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rabi cultivation. There could not possibly be the very large extension of rabi cultivation that will be, had there not been a large increase in the grant of land for *eksali* cultivation.

Again, as regards the question of remissions in Sind, I do not think the honourable member who referred to this question was aware of the fact that the estimate of remission which I quoted yesterday is not the final estimate. It is an estimate of the remission for kharif crops where the land will not be sown again with rabi. It is only in such lands that the extent of remissions can be finally gauged. Where the land has either been resown with kharif or is likely to be sown with rabi, it is impossible at present to form any estimate of the extent of remission that will be necessary. That amount can only be arrived at when the final results of the whole of the two seasons have been ascertained. And therefore although it may appear to the honourable member that the figures I quoted were inadequate, he must remember that they are not the final figures.

A reference has been made to the recent invasion of locusts. The question of any remissions that may be necessary on account of damage from this cause will be considered in due course. I hope the honourable member does not expect me to make any advance statement of what Government will do in the matter of such remissions. I may mention, while on this subject, that a special provision has been placed at the disposal of the Commissioner in Sind for dealing with this locust pest. I have now dealt with most of the more important points that have been raised in the course of the debate, and I would now ask the House to give their sanction to the grant under discussion.

Question put and carried.

Supplementary\* grant for Rs. 2,14,000 as additional tagavi advances in the Ahmednagar, West Khandesh, Broach, Karachi, Sataia and Bjpapur Districts.

The Honourable Mr. J. L. RIEU : I move for an additional grant of Rs. 2,14,000 under Deposits and Advances—Loans and Advances by Provincial Governments. This demand is to meet certain applications for additional allotments of tagavi, having no connection with the floods.

Question put and carried.

Supplementary† grant for Rs. 5,600 for the maintenance of, and repairs to, the kadbi stacks in the Sholapur district.

The Honourable Mr. J. L. RIEU : I move a demand for an additional grant of Rs. 5,600 to be reappropriated from 43-B, Transfers to Famine Insurance Fund to 43-A, Famine Relief. This amount is required for providing covering for the kadbi stacks in the Sholapur district and certain establishment for their maintenance.

Question proposed.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : May I know in how many cases single sheet roofing has been adopted ?

The Honourable Mr. J. L. RIEU : In three or four cases.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : Has any of these taken fire ?

\* Appendix 18.

† Appendix 19.

The Honourable Mr. J. L. RIEU : Yes.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : Is provision for that included in this demand ?

The Honourable Mr. J. L. RIEU : No.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : What about the loss ?

The Honourable Mr. J. L. RIEU : The losses were covered by insurance.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : I want to know the loss on that fire.

The Honourable the PRESIDENT : Does the honourable member wish to speak and express his views ?

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : I put one question and it necessitated another question.

The Honourable the PRESIDENT : This is not question time.

Mr. L. M. DESHPANDE (Satara District) : Sir, I want the information from the honourable member whether the grant for storing kadbi in Sholapur was sanctioned in the budget for the current year. (An honourable member : No.) This sum of Rs. 5,600 appears to have been spent for the repairs of the kadbi stack. It has been my experience in my district that very few persons come there to buy fodder. In the first place this fodder the cattle in that part are not accustomed to eat. A large quantity is being wasted, as nobody goes in for it. I should like to know whether the fodder stored in Sholapur was purchased this year or some years ago. At the same time I want to know whether it finds a sale, and if so, what amount has been realised ; and also the total amount spent on kadbi storage in Sholapur. I think that this amount is really an extra amount spent and the demand is not for a supplementary grant. If it is found that the kadbi stored in Sholapur is of use then the arrangement for stacking is necessary. I do not understand why there should be provision for a permanent rakhwaddar if any amount is realised from the sale of kadbi ?

The Honourable Mr. J. L. RIEU : I cannot do better than read out part of the Collector's report in which he makes a recommendation for the expenditure proposed :—

"The difficulty and disadvantage of the present method of roofing with corrugated iron was pointed out in the paragraph headed 'roofing' in my report of the original kadbi storage operations of 1925. You, however, did not agree with these findings but held that roofing with iron sheets is essential to the success of the scheme.

Accordingly when the operations in 1926 were to be started, I discussed the method of roofing personally with Rao Saheb Hulyal who had experience in Ahmednagar the year before and we agreed that corrugated iron roofing must be tried again. As, however, Government has suggested experiments with mud plastering also we decided to try this form also if possible. On local inquiry however it was found that this form of roofing was only satisfactory and economical when there was an adequate supply of water and suitable earth adjacent to the depôt. This condition was fulfilled only at the Tembhurni depôt. We therefore adopted the mud plaster covering there. It has not in my opinion proved satisfactory as the stack has lost its shape very badly and I think there is grave risk that rain has got in. At the other depôts, viz., Sangola, Karmala, Jeur and the reconstructed depôts at Pandharpur and Mohol the system of single sheet roofing with

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corrugated iron was again adopted according to the pattern in vogue in Ahmednagar. None of these have however proved satisfactory. The Pandharpur and Mohol stacks have perished by spontaneous combustion while the roofs of every stack at the other three depôts have been blown off by the high winds which are a feature of this district. The only depôts that have not given any trouble are Sholapur and Barsi where the double sheet roofing has been adopted. Accordingly when the stack at Sangola, Jeur and Karmala were unroofed by the wind after the rains had started I had decided that we had better adopt the two sheet roofing there also. As the rains had already started immediate action was necessary to prevent water getting in. Extra sheets had to be purchased for the second row but any other form of roofing would have taken so long to put up that it did not appear to be a suitable time to experiment with it.

The additional cost is not serious as would appear as the corrugated sheets are saleable on dismantling. The work has been completed now, and I request that sanction may be accorded to the expenditure and funds provided."

With regard to the question raised by the honourable member from Satara, I may say that although it is a fact that there have been no purchases made of this *kadbi*, it is still necessary to make this provision in view of the fact that there might at any time be a very serious scarcity of fodder. Because in good years people do not purchase this *kadbi*, it does not follow that they will not purchase it in bad years.

Mr. N. E. NAVLE : Sir, is it the final reply of the Honourable Member ?

The Honourable the PRESIDENT : That is his reply.

Mr. R. S. ASAVALE : The honourable member asked for information, and I thought the Honourable the Revenue Member gave it.

The Honourable Mr. J. L. RIEU : Sir, that is my reply.

The Honourable the PRESIDENT : I think the honourable member Mr. Deshpande spoke on the subject and sat down.

Mr. L. M. DESHPANDE : Sir, I made a speech, and the Honourable Member in charge read out the report in reply.

The Honourable the PRESIDENT : We shall then consider that as information given.

(After recess)

Mr. N. A. BECHAR : Sir, I want to raise one point, and that point is with regard to the matter which led you to remonstrate with my honourable colleague from Karachi. I understood from him that he said while he sat down.....

The Honourable the PRESIDENT : Order, order. What is this ?

Mr. N. A. BECHAR : Sir, I am referring to a matter which led to your remonstrance.....

The Honourable the PRESIDENT : There was no remonstrance ; that was an order.

Mr. N. A. BECHAR : You asked my honourable friend from Karachi (Mr. Haji Mir Mahomed Baloch) to withdraw certain expressions which he used. Although none of us heard him, I understand from him that he used an expression to mean "sorry."

The Honourable the PRESIDENT : Order, order. I have held that as in very bad form.

Mr. N. E. NAVLE (Ahmednagar District): Mr. President, the grant we are discussing is for the maintenance of, and repairs to, the kadbi stacks in the Sholapur district. My experience of the working of kadbi stacks in the Ahmednagar district goes to show that iron sheet roofing of kadbi stacks is a failure when compared with grass thatching. Sir, the comparative merit of grass thatching and iron roofing is patent enough in Ahmednagar. Not only have these iron sheets been blown away but my experience of these sheets shows that they are not successful in the Ahmednagar district at all. I don't understand why Government wants to follow the same experiment in Sholapur district which proved a failure in Nagar. I do not think that this experiment will be a success and I therefore suggest to Government that they should rather take to grass thatching in the Sholapur district. With this suggestion I don't object to the grant being made.

The Honourable Mr. J. L. RIEU: Sir, I have only a few remarks to offer with reference to the suggestion of the last speaker. The difficulty about grass thatching is that it has to be done very skilfully. It is not an easy thing to carry out. Experience shows that where grass thatching has been resorted to there has been considerable damage done to the kadbi by rain. Iron roofing with double sheeting as is proposed on the other hand provides effective protection. It is expensive, I admit, as the initial cost is high, but the sheets can be sold when the building is dismantled. After thorough experience it has been found that at any rate in the Sholapur district the best roofing possible is the double roofing with iron sheets.

Question put and carried.

Expenditure in connection with extra sanitary measures required to be undertaken in Gujarat as a result of the floods.

The Honourable Dewan Bahadur HARILAL D. DESAI: I move for a demand\* of Rs. 12,000 to be transferred from 47—Miscellaneous to 33—Public Health.

This demand is made on account of the extraordinary situation which has arisen owing to the recent floods in Gujarat. Special sanitary measures for relief and for the prevention of epidemics had to be undertaken and up to now in anticipation of the sanction of Government the local officers had to spend about Rs. 6,000 already and an equal amount\* will be required hereafter. There is no provision in the current year's budget for unforeseen charges. These were unforeseen charges and it is proposed to meet them from the reserve with the Finance Department. I therefore submit that the House would allow this grant.

Question proposed.

Mr. NOOR MAHOMED (Hyderabad District): While supporting this demand, I would take this opportunity to bring to the notice of the Honourable Minister for Public Health the necessity of doing something for Sind also. If the situation in Gujarat is extraordinary it is no less extraordinary in Sind. Hitherto we have got in the Tando division one doctor only and as the area is very big the provision of one doctor is very

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inadequate. The area of the Tando division is as much as Kaira or Broach or any other district in Gujarat and one doctor to go round the whole area is too small a provision to meet the extraordinary situation that has arisen. I am grateful to the Honourable Minister for asking the Director of Public Health to do something; but nothing further has happened. I would point out that one doctor is quite insufficient; we at least require two doctors, for each taluka of Tando, that is in all 8 doctors. We do not want M.B. B.S. It will do, if students who have passed out of the Hyderabad Medical School are given to us. I request that something might be done to provide additional doctors for the affected area in Sind. If the Honourable Minister refers the matter to the Surgeon General he will surely consult the Sind authorities; and I am sure our Civil Surgeon, Major Holgate, would ask for the appointment of more doctors for the Hyderabad and Thar Parkar districts. But, I am afraid, officials in Sind would not report of their own accord until some indication of the policy of the Honourable Minister is given to them. With these words I support the demand.

The Honourable Dewan Bahadur HARILAL D. DESAI: My honourable friend who spoke last sent me a letter some days ago explaining this matter which I sent on at once to the Director of Public Health. His reply was communicated to my honourable friend. I have taken notes of what he has said and I would refer the matter to the Director of Public Health as well as any other authority that may be necessary and everything needful will be done.

MOULVI RAFIUDDIN AHMAD: Mr. President.....

The Honourable the PRESIDENT: The Honourable Minister has replied to the debate. If the honourable member wanted to say anything he should have risen in his place.

MOULVI RAFIUDDIN AHMAD: You did not call upon the Minister to reply.

The Honourable the PRESIDENT: He waited and I also waited, and there was no other speaker. I am sorry to disappoint the honourable member.

Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI: I request, Sir, if you will permit me to move the resolution which is in the nature of a supplementary demand.....

The Honourable the PRESIDENT: Yes.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I move the following resolution:

"This House recommends to Government to incur an expenditure up to Rs. 1,73,270 which sum includes the donation of Rs. 30,000 from the Executors of the late Bai Awabai Framji Petit for building a new Parsi Women's block at the Central Hospital for Mental Diseases, Yeravda, as detailed in the printed statement laid on the table."

In support of this resolution I beg to state that at the Yeravda Mental Hospital there is considerable over-crowding and at present

[Dewan Bahadur Harilal D. Desai]

there are about 100 European male patients and 70 female patients. As regards Parsis there are 55 male patients and 45 female patients and about other Indians there are 260 male patients and 90 female patients. There are altogether 620 patients.

As the House will have noticed from the statement explaining the resolution placed before the House, in 1902 there was a donation of Rs. 20,000 offered by Bai Awabai Framji for providing separate accommodation for Parsi patients to the extent of 25 males and 17 females. That donation was taken, and in 1913 in the ordinary accommodation which was provided for at the mental hospital, arrangements were rendered possible for 26 Parsi male patients and 14 Parsi female patients ; so that, practically the provision for the grant was made. There was, however, a condition accompanying the grant that a wall should be put up round the Parsi ward, and though that amount was not spent, this accommodation had been provided for. Thereafter, Government sold the Government Promissory Notes which were given and which had risen to the face value of Rs. 49,300, and over these promissory notes which were sold we got Rs. 37,752-11-10, and that amount was credited to Government. Thereafter, there has been recently another offer of Rs. 30,000 through Sir Dinshaw Petit to build an additional block for Parsi mental patients and he desired that, in view of the great want, it might be accepted along with the funds in the possession of Government. Consequently, estimates were got prepared and they have come to Rs. 1,73,270. Now, having regard to the fact that the amount of Rs. 20,000 which was specially donated was not spent for having a separate block and also in view of the fact that there is a second donation of Rs. 30,000 it is absolutely necessary to provide separate accommodation for Parsi mental patients, which would afford sufficient convenience to other Indian mental patients, as the accommodation now occupied by them will be so far released. Consequently, Sir, it is absolutely necessary that that provision has to be made, and at present Government are going to spend more than Rs. 30,000, which is the second donation, and the rest will have to be provided for in the next year's budget. Under those circumstances, I submit that the honourable House will accept the resolution.

Question proposed.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support this resolution. Regarding this resolution, the note explains, Sir, how this was gone through. I had gone to this hospital and made personal enquiries in the matter and we were informed that, although the accommodation in this hospital was only for 572 patients, actually 618 patients are kept, and as a matter of fact, it is already overcrowded and many persons have to be refused admission. This is an offer which is generously made by the donor and I think it is for the interest of the whole hospital that this offer should be accepted, for the simple reason that the space at present occupied by the Parsi patients will be released and can be utilised for other patients. I understand from the Superintendent of the hospital that this block will not suffice, and he says about Rs. 5 lakhs

[Mr. F. J. Ginwalla]

will be wanted to make a really sufficient block. Further, it was explained to us that if this hospital is to be made to suit all requirements and if you want to put it in line with up to date hospitals elsewhere, it requires about Rs. 15 lakhs or so. But leave aside that question, and I say that even if this present proposal should be accepted, the conditions in the hospital will improve considerably.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President, this resolution introduces a matter of very great principle. We all know that European prisoners get different treatment in European jails, and we also know that Europeans require special apartments for themselves in hospitals. Well, we have hitherto not objected to this on various grounds. But I do not think, Sir, that it is wise and proper that any section of Indians should claim for themselves special accommodation and special treatment in hospitals by walls of separation. I really do not understand why Parsis, or Jews should not live side by side with other sections of the Indian population in hospitals. If any community desire special medical institutions, pecuniary aid may be given them if grants in aid are available for medical purposes, and it may like the Parsis establish General Hospitals of their own. But in Government institutions like Government hospitals that a part should be set apart for any particular community, however rich or however advanced, is I think, unreasonable and should be discouraged. Suppose, Sir, in a Government high school, Parsis demanded separate apartments for their boys, in which Government professors or Government schoolmasters were asked to teach them on payment of a pecuniary assistance. Would the Honourable Minister for Education allow such a concession? I am sure not. If Parsis like to have their own institutions, certainly there would be no objection to grant them a subsidy. But this is a special differentiation. Moreover, I do not think that there is such an excess of lunacy among the ladies of a sober community like the Parsis that special walled apartments for them have become necessary. I think mental diseases among the Parsis advance in the same proportion as they do in any other communities (laughter), and on that ground, Sir, I really do not see why special treatment is asked for.

And there is another point which I want to bring to the notice of this honourable House. A sum of Rs. 30,000 has been given as a donation. Well, another Rs. 20,000 are to follow. But an equal amount has to be spent by Government. And, then, is it right that all the urgent needs of other communities, say of primary education should be neglected and other communities should be starved, to provide a luxury for the Parsis? I do not think this is either just or economical. I hope my Parsi friends will not mind my making these remarks, because these are not personal and they do not arise from any bad motive. I say this is a bad principle. I think it should not have come from my honourable friend Mr. Ginwalla, who is always talking of democratic principles, that his community should receive differential treatment. They should be only too proud to mix with Indian patients of all kinds. And, therefore, Sir, I think some explanation is necessary in this respect

[ Moulvi Rafiuddin Ahmad ]

and why it is necessary that this money should be set apart this year. I hope the Honourable the Minister will satisfy . The other day honourable members on this side of the House made a special objection to the grant for the university because primary education was being neglected in this Presidency. I think my honourable friends behind would bear me out when I say that I had to get up and say that that grant was a necessity, not a luxury, but in this case it looks to me to be a sort of a luxury, and I do not think that money should be provided by Government for such purposes and in such an urgent manner. I am not going to oppose the grant but I should like an explanation from the Honourable Minister.

Dr. M. D. GILDER (Bombay City, North) : Sir, the remarks made by the last speaker seem to me to have been made under a misapprehension and therefore I do not resent them, but I think the misapprehension deserves to be removed.

The accommodation for patients of the mental hospital is very limited, that is, the number of patients is far in excess of the available accommodation. A room which can comfortably have five or six beds has to crowd into it eight or nine or even ten beds. In some cases where the patients who are not actually ill but are suffering from some mental diseases, have had actually to be put into the hospital because they have no room in the ordinary wards for mental cases. Under these circumstances of overcrowding, the hospital wants some relief in its accommodation. Naturally, as this is the only institution, excepting Thana and perhaps a few small institutions in one or two places, where people suffering from mental diseases from all over the Presidency come for treatment, proper accommodation has to be provided. The accommodation has got to be expanded under any circumstances. Government, because of financial stringency, have not been able to accept in its entirety the plan which has been submitted to them and to release the congestion it is intended to have one ward for female patients because the overcrowding on the female side is extreme. For instance, they have got a hospital infirmary which is quite full. They have got about 90 Indian females as against an accommodation for only 64. As far as the Parsis themselves are concerned, they have 36 patients as against accommodation for 38, so that the Parsi side is not congested so much as the general ward for Indian patients. It is to relieve this overcrowding in the general ward for Indians that Government is building a new ward. Some years ago Government accepted a donation in order to put in a ward for Parsi female patients. The terms of that donation have not been fulfilled. There is another donation being offered of Rs. 30,000. The total will be somewhere near Rs. 70,000. At present all the female patients mix together and there is no attempt to give any differential treatment to Parsi female patients. Nobody wants absolute separation. As a matter of fact, even if you have a separate ward the patients will mix and do mix together. One more block for female patients is absolutely necessary and has got to be built. Only if Government allow that block to be used for Parsi female patients Government fulfil the conditions under which



[Dr. M. D. Gilder]

they have already accepted the donation. By building this ward, which has got to be built under any circumstances, and by giving it over for the use of Parsi female patients, the present ward used for accommodating Parsi female patients will be made available for other communities, and what is really more, Government gets a sum of Rs. 67,000.

As for the general remarks made by previous speakers, if you look into the history of hospitals in this Presidency, you will find that the first and the premier hospital in Bombay is the hospital which bears the name of Sir Jamsetjee Jejeebhoy and which was built in the forties of the last century. Then there is the Cama Hospital, the Petit Hospital, the Motlibai Obstetric Hospital and a good many dispensaries and hospitals in other parts of the Presidency to the building of which Parsis have contributed. We have contributed largely to the relief of the general taxes by providing all this medical aid which would otherwise have had to be provided by Government out of the public exchequer. Apart from that, we have got the Parsi General and other Hospitals where we are treating Parsi patients. These hospitals are maintained by the Parsi community. When the head of the Government, a former Governor, visited the hospital some years ago, he offered to give a donation and a question was raised as to its acceptance as he was not a Parsi but as His Excellency was the representative of His Majesty, the donation was accepted. In that way too we are affording relief to the general exchequer by taking care of our own people. It must not be thought that because of the relief which we have given to the public exchequer, we claim separate treatment. We, Parsis, say this, that if Government are prepared to give us the use of the ward which Government must build under any circumstances we are prepared to pay Rs. 67,000, as a contribution to the cost of the building.

Mr. N. A. BECHAR (Karachi City): Sir, I heard with interest the very closely reasoned speech of my honourable friend from Bombay who spoke last, but, Sir, I fully endorse the views expressed by my honourable friend from Poona so far as the differentiation in the matter of treatment given to the different communities is concerned.

When I read this memorandum, it at once occurred to my mind that a feeling was growing even within the Indian community that one community is so inferior to the other, that one probably considers the other as moral lepers who have to be separated and walled off in order that contagion may not spread. Sir, I do not mind even this one lakh of rupees which is to be contributed out of the public exchequer in order to spend Rs. 1,70,000 on the ward to be used exclusively for the Parsi community. I do not mind that expenditure because I personally believe that Government in India is spending far less than it should do in the matter of such social services. On that point there is no difference, also on the point that a separate block should be provided for the Parsis because I personally believe that their social standard is certainly somewhat higher and they want certain kinds of comforts which we should not grudge them if they are contributing to a certain extent towards providing such comforts. But when the Government

[Mr. N. A. Bechar]

itself becomes a party to creating a wall between two wards of a hospital, I must express my strong resentment, not to use a harsher expression, at the kind of treatment which the Honourable the Minister of Education is trying to give. Sir, I have heard—I am not sure if it is so,—but I think looking to the kind of treatment given to the Europeans in hospitals and also looking to the kind of treatment given to Europeans in jails and elsewhere, it is quite a commonplace that even in the mental hospital, where a human body and a human soul cannot be much different from one community or the other, you find European wards where pianos are provided along with a number of other luxuries in order to provide some kind of mental recreation making for mental improvement for those who are mentally defective.

But, Sir, I find that the kind of accommodation and treatment given to the general Indian community is far inferior to what is being given to others, and I am not sure if the kind of ward which is proposed to be built exclusively for the use of the Parsi community is in design or accommodation in any way superior to the accommodation which is proposed to be given out of the public exchequer to the other communities. If it is merely intended that the same kind of accommodation and the same kind of other arrangements are to be made exclusively for the Parsi community with the assistance of the lakh of rupees which Government will have to spend, I will not grudge it. It is one of the necessities which Government should provide for, but to create divisions where there are so many divisions already in Indian society is hardly desirable. We could make a concession in the case which has been put before the House by the honourable member Dr. Gilder, but I do take strong exception to the wall that is proposed to be built. That is the greatest harm they are doing to the Parsis themselves. Government is sanctioning a policy which I strongly resent. Therefore, I am sure that this small amount which might be required for the purpose of constructing the wall will be deleted, and the balance will be voted.

Mr. N. E. NAVLE (Ahmednagar District): Sir, the Honourable Minister of Education wants us to vote Rs. 1,73,270, out of which he says Rs. 30,000 are donated by a charitable person. I do not quarrel over the grant being made and being voted upon. My grievance in this matter is that the Honourable Minister of Education is providing a large sum of money for constructing a block at the Mental hospital, while he is sleeping over so many schemes for the expansion of primary and compulsory education which have been sent to him long ago by the district local boards and municipalities. Sir, this shows the apathy with which Government is looking at the expansion of primary and compulsory education in the various local authorities. Sir, I have no objection to the grant being made for the hospital, but when Government is budgetting actually an expenditure of lakhs for hospitals, why should not Government find necessary money for the expansion of education? We are told that there is financial stringency and that Government cannot find money for the expansion of free and compulsory primary education. But I do not see the financial difficulty at all. The Honourable Minister

[Mr. N. E. Navle]

says that this sum of a lakh and half is to be budgetted in the next year's budget. If he can easily budget for a lakh and a half for constructing a block at the Mental Hospital, I do not see where the financial difficulty comes in for the expansion of education. He can easily budget even a sum of Rs. 20 lakhs for the expansion of compulsory primary education also. If Government promise that they would budget a fair sum, say Rs. 20 lakhs, for the expansion of primary and compulsory education, I for myself would not grudge the grant being made at this stage. But if Government are not going to do anything in the matter of expansion of compulsory primary education, then certainly I am opposed to the grant being made at this stage.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I rise to support the resolution, moved by the Honourable Minister of Education for the simple reason that looking to the charitable deeds of some of the Parsis of the Bombay Presidency, it is no wonder that such a grant has been given specially for Parsi women suffering from mental diseases. I would be the last man to ask any Indian honourable member to vote against this resolution. The Parsis have given away lakhs of rupees in charity ; they have provided for the labouring classes, and the poor people in particular in the Bombay presidency, large sums in establishing Hospitals, and they have been receiving benefit out of them. Otherwise, it would have been very hard for the Government to provide such facilities as medical relief which they have provided. No doubt some differentiation is made at Yeravda Mental Hospital between Parsi women and other Indian women, but as I have heard from the honourable member Dr. Gilder that there will not be any difference in treatment, I am quite sure the Honourable Minister will also see his way not to maintain any difference of treatment among any Indian women. Every honourable member in this honourable House will, I hope, express his gratitude towards the Parsi community and vote for the resolution which is before this house to-day.

With regard to the suggestion made by the honourable member Mr. Navle, that provision should be made for the expansion of compulsory primary education that, of course the Honourable Minister will bear in mind, and I do hope he will in some way make the provision in the next budget. With these few remarks, I support the resolution.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, honourable members of this House will readily admit that it is the primary duty of Government to provide for the treatment and accommodation of people who suffer from mental diseases. There is no branch of human diseases which requires such special treatment, special sympathy and special accommodation as mental diseases. Under these circumstances, when any generous people come forward to help Government in their duty by donations to provide accommodation for a certain number of patients, I submit that it is a help to Government rather than any special treatment being demanded for any community. In this case, we have had a donation of Rs. 20,000 in 1902, which rose by interest to Rs. 37,752, and another donation last year of Rs. 30,000, so that we have at present in hand Rs. 67,752 already from donations, and not a single pie of that

[Dewan Bahadur Harilal D. Desai]

amount is covered by any contribution from Government. Now, according to the plan, the buildings necessary to be provided are one acute block, one chronic block and one common dining block. There has already been an excess of 28 patients at Yeravda. Even at the other hospitals, there is an excess of mental patients. At Thana there is an excess of 7, at Dharwar there is an excess of 2, in Ahmedabad there is an excess of 19 patients, and in Ratnagiri there is an excess of 2 patients. So, at all the mental hospitals there is an excess of patients, and if Government were not to provide sufficient accommodation at a Central Mental Hospital like Yeravda, there will soon arise a situation which may create a public scandal. Therefore, it is absolutely necessary that this resolution should be passed by the House. What we propose to do is this : we are going to spend Rs. 30,000 this year out of the second donation, and for the additional amount, namely, Rs. 1,43,270, a demand will be made at the next budget. We thought that before we commenced the work we ought to bring this to the notice of the Council, and it is therefore that the last sentence of the statement says that this procedure has been adopted as it is necessary to bring the scheme to the notice of the Council for their approval, and the sum of Rs. 1,43,270 will be asked for in the next budget. Of course, if we start a scheme it should be carried through. Therefore we have placed the whole scheme before this honourable House. We are spending Rs. 30,000 out of the second donation during this year. We could have spent Rs. 67,000 because it is money received from donation ; but we are spending this year only Rs. 30,000 in order that this honourable House may give their general approval to the scheme. A mental disease hospital is not a luxury but it is a necessity and we have to make provision for it. One honourable member wanted to know if the Parsi community suffered to a greater extent from this disease than any other community. The fact is that the percentage is a little higher in that community than in other communities. All the same we have to make provision for treating mental diseases, without being actuated by communal spirit.

Mr. N. A. BECHAR : Before you put the resolution I wish to know whether the Honourable Minister would insist upon putting a compound wall ?

Question put and carried.

Mr. B. G. PAHALAJANI (Western Sind) : On behalf of the majority of the Hindu members of this Council I beg your permission, Sir, to make a statement.

The Honourable the PRESIDENT : What is the subject matter ?

Mr. B. G. PAHALAJANI : We have now received the information that judgment in the Talegaon Riot case has been delivered by the sub-divisional magistrate to-day.

The Honourable the PRESIDENT : I should like the honourable member to bear in mind that the decision may go up in appeal and therefore the matter would be technically *sub judice*. It should be a mere statement without any bearing on the merits of the case.

Mr. B. G. PAHALAJANI : I thank you, Sir, for your suggestion. On behalf of the Hindu members of this Council I am authorised to make a statement. This afternoon we have learnt of the conviction of a majority of the Hindus that were sent up for trial before the sub-divisional magistrate. It has ended in the conviction of a majority of them. In connection with this we are intending to move the adjournment of the House to-morrow. Before we move an adjournment of the House the motion for which will be placed in your hands, we want to place before this House our strong protest against the treatment that has been given to us by the Government in connection with the policy of the Government in issuing executive orders and not in connection with this judgment which may be *sub judice*. When these people were under trial the Hindu members of this Council assembled together and decided to approach the head of the administration, His Excellency the Governor, through the Private Secretary.

The Honourable Mr. J. E. B. HOTSON : Is that in order, Sir ?

The Honourable the PRESIDENT : I do not think that it is in order. I do not really understand the specific nature of the statement. I would give the honourable member an opportunity to make a statement as that is not unusual. I would however ask him to make a definite statement showing the exact nature of the grievance he wishes to make out.

Mr. B. G. PAHALAJANI : I wish to state that the Hindu members of this Council feel themselves aggrieved at not having yet been heard by His Excellency. The Hindus resent the policy underlying the executive orders of the Government as being harmful to the Hindus. By way of protest a majority of the Hindus consider it necessary in the interest of the Hindus to leave the Council for to-day. I wish to inform you that we intend to move for the adjournment of the House to-morrow. With this statement the majority of the Hindu members of this Council will leave the Council to-day.

(A majority of the Hindu members then walked out of the Council).

### **BILL No. XXXIII OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT POLICE ACT, 1890)**

*(Motion for first reading)*

The Honourable Mr. J. E. B. HOTSON : Sir, I introduce Bill\* No. XXXIII of 1927 (A Bill further to amend the Bombay District Police Act, 1890).

The Honourable the PRESIDENT : The bill is introduced.

The Honourable Mr. J. E. B. HOTSON : Sir, this is a very simple bill and I think will not require any explanation beyond

First reading. what is already given in the statement of objects and reasons. It is within the knowledge of many of the members of this House that last year a very influential society for the prevention of cruelty to animals was founded in Poona. As soon as the society began to work it found that all its activities were hampered, because its agents

[Mr. J. E. B. Hotson]

could not under the law as it now stands be given the powers of police officers in the same way as the agents of the Bombay society are given. We looked round for a remedy and we came to the conclusion that the simplest way to give that society the powers it required is that we should embody the clauses existing in the Bombay City Police Act into the Bombay District Police Act in place of the clause which now exists in it already. That is what clauses 2 and 3 of this bill now propose to do.

It was also discovered that under the Act for the Prevention of Cruelty to Animals certain grave offences had not been made cognizable. The result was that when it was discovered that one of these offences was committed it was impossible to stop the offender on the spot. All that could be done was to take his name and allow him to go on committing the offence until a warrant from a magistrate could be obtained. So, in order to remedy that, clause 4 of this bill has been put in, which proposes to make offences under sections 3, 4, 5 and 6 of the Prevention of Cruelty to Animals Act, 1890, cognizable offences. I think everybody will be agreed as to the desirability of both the parts of this bill, and I hope this House will accept it.

Question proposed.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I have great pleasure in supporting the first reading of this bill.

Mr. NOOR MAHOMED: Sir, while supporting the bill I would like the Honourable Member to take note of the representation that is made by the Bombay Hack Victoria Drivers' Association. They have pointed out the great hardships that the members of their association are suffering as a result of the activities of the agents of the Association for the Prevention of Cruelty to Animals.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Sir, I support this bill.

Khan Saheb A. M. MANSURI: Sir, a great hardship is inflicted on the victoria drivers by the servants of the Society for the Prevention of Cruelty to Animals. It is unfair; these servants should not be given any powers.

The Honourable Mr. J. E. B. HOTSON: Sir, I think that the Bombay hack victoria drivers are under some misapprehension, because clauses 2 and 3 of this bill do not affect Bombay City in any way. The law as it will be after clauses 2 and 3 are passed is already the law in Bombay City; it would not make the slightest difference to them.

Bill read a first time. Question put and carried.

Second reading.

The Honourable Mr. J. E. B. HOTSON: Sir, I move that the bill be read a second time.

Bill read a second time.

Question put and carried.

*Bill read clause by clause*

Clause 2 (*Amendment of section 3 of Bom. IV of 1890*) ordered to stand part of the bill.

[Mr. J. E. B. Hotson]

*Clause 3 (New section 22-A of Bom. IV of 1890)*

After section 22 of the said Act the following section shall be inserted, namely:—  
 “22-A. *Power to appoint additional police officers.* (1) Any District Superintendent may in his discretion appoint, for such time and on such pay, and of such rank or grade, as he shall think fit, additional police officers to keep the peace or preserve order at any place, or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,—

- (a) on the application of any person, at the charge of such person, or
- (b) without such application, at the charge of any person for whose profit or benefit any large work or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on.
- (2) Every additional police officer so appointed shall, on appointment,—
  - (a) receive a certificate in the form of schedule C ;
  - (b) be vested with all or such of the powers, privileges and duties of a police officer as are specially mentioned in the certificate ; and
  - (c) be subject to the orders of the District Superintendent.

*Notice to be given for discontinuance.* (3) In any case in which such police officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the District Superintendent of such notice or on the expiry of such shorter period as the District Superintendent may fix, the appointment of such police officers shall cease.

*Payments to be accounted for*—(4) All moneys received by the District Superintendent for the payment of any such additional police officers shall be accounted for by him.

*Disputes as to payment of cost*—(5) In the event of any dispute in any case under this section the decision of the District Magistrate shall be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the District Superintendent, be recovered by the Collector from such person as an arrear of land revenue.”

The Honourable Mr. J. E. B. HOTSON : Sir, I move the following amendment :

In section 22-A (1) in clause 3 of this bill the following words be omitted, namely :  
 “to keep the peace or preserve order at any place, or”.

The bill will then read :

“Any District Superintendent may in his discretion appoint.....additional police officers to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences.....”

I move this amendment because it has been represented to me by several of my honourable friends that the bill as it stands goes rather further than is justified by the statement of objects and reasons, and I am willing to admit that there is some substance in that objection. The bill as amended by the omission of these few words will satisfy all requirements of the case.

Question put and carried.

*Clause 3* as amended ordered to stand part of the bill.

*Clause 4 (New section 51A of Bom. IV of 1890)* ordered to stand part of the bill.

*Clause 5 (Schedule C)* ordered to stand part of the bill.

*Preamble and clause 1 (Short title).*

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing ; And whereas the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :—

*Short title*—1. This Act may be called the Bombay District Police (Amendment) Act, 1927 .

Mr. BALAK RAM: Sir, I beg to move the following small amendment:

In the last line of clause 1, add the figure '7' after the figures '192'.

Question put and carried.

Preamble and clause 1 as amended ordered to stand part of the bill.

Third reading. The Honourable Mr. J. E. B. HOTSON: Mr. President, I move that the bill be read a third time.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT: Bill No. XXXIII of 1927 (A Bill further to amend the Bombay District Police Act, 1890) is now read a third time and passed into law.

### **BILL NO. XXXV OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY PORT TRUST ACT, 1879)**

#### *Motion for first reading*

The Honourable Sir COWASJI JEHangIR: Mr. President, I beg to introduce Bill\* No. XXXV of 1927 (A Bill further to amend the Bombay Port Trust Act, 1879).

The Honourable the PRESIDENT: Bill No. XXXV of 1927 (A Bill further to amend the Bombay Port Trust Act, 1879) is introduced.

The Honourable Sir COWASJI JEHangIR: Mr. President, I move the first reading of the bill. This is a bill to enable the Port Trust to establish a special fund for welfare work. At present they cannot establish special funds and have been prevented from doing most laudable work for the benefit of their employees. Clause 3 of the bill makes the necessary provisions. Then there is another provision in clause 2 which enables the Port Trust to establish other special funds with the sanction of Government. It also gives power to Government to dictate from time to time the maximum amount of such funds.

The first part of clause 2 of the bill is more or less consequential. But there is a proviso in clause 3 which enables the Port Trust to incur with the sanction of Government small expenditure which at present they are unable to incur under section 49 of the Act. Honourable members will realise that a big public body like the Port Trust has very often to incur small expenditure which cannot be provided for in the Act. Section 49 of the Act lays down how the trustees of the Port Trust can incur expenditure from the general account. Honourable members can well realise that there may be an occasion when the trustees had to incur a few hundred rupees expenditure which is not covered by section 49 and therefore this bill provides that with the sanction of Government the Port Trust be authorised to incur such expenditure. This is not a novel provision. Such provisions are to be found in the Karachi Port Trust Act. Section 61 (7) of the Karachi Port Trust Act is a similar provision. Again section 58 (g) of the Aden Port Trust Act is a similar provision.

Clause 4 of the bill again is more or less a consequential section.



[Sir Cowasji Jehangir]

To sum up, this bill enables the Port Trust to establish a special fund for welfare work. It enables the Port Trust to establish other special funds with the sanction of Government and it makes a provision similar to that found in the Karachi and Aden Port Trust Acts whereby it will enable the Port Trust to incur small expenditure not provided under section 49 with the previous sanction of Government. I therefore beg to move the first reading of this bill.

Question proposed.

Mr. S. K. BOLE : Sir, I want to know from the Honourable General Member what is meant by the word "Employees' welfare fund," how the subscriptions are to be collected, what will be the amount of subscription and who is going to make use of this fund. It is said that the fund will be established for the employees. Big officers as well as labourers come under that term. If it is going to be a fund for the welfare of labourers I have no objection. But if it is going to be a fund for the use of the big officers also, then I am afraid that the whole amount will be spent on objects such as the management of clubs, etc., where all sorts of vices such as gambling, drinking and smoking are indulged in. Such clubs therefore I submit would not be useful to the labourers. On the other hand what is wanted is some relief to the labourers during sickness and old age. So the term employed should be made clear. It should also be made clear as to what amount is going to be collected from the employees and who is to manage the affairs of the fund. If it is going to be managed by a managing committee of employees and that is labourers, I have no objection. If all these points are made clear, then I would be able to know how to vote on this bill.

Mr. N. A. BECHAR (Karachi City) : Mr. President, Sir, I must congratulate the Honourable General Member for showing some amount of consideration for those labourers by whose sweat of the brow the whole Port Trust machinery is moving. It is not too late in the day to have brought forward such a bill, but I understand that as the bill is framed it is a permissive measure. Sir, here it is said that the port trust is authorised to set apart certain sums for the purpose of meeting charges for some social activities which may be run for the benefit of the labourers. In this case there is another point also which has been rightly raised by my honourable friend the representative of Labour, namely that both officers and servants have been grouped together and very likely you will find that if such a fund is established much of the benefit may go to the officers of the port trust. Sir, this is an apprehension which must be fully ventilated in this House. We know that benefits usually go to the officers and under the name of the labourers they will incur expenditure for the benefit of officers. If it is intended that this bill should empower the Port Trust to incur expenditure for the purpose of providing clubs and other amenities for people who are, already drawing fatter salary than they can get anywhere in the world then we ought to protest against it. Sir, I want that this bill should be exclusively confined for the purpose and benefit of the labourers.

[Mr. N. A. Bechar]

It has also been said by the honourable member representing Labour that it is not clearly stated as to what will be the contribution which the Port Trust will make every year and as to how the funds are to be administered. Sir, I would very much wish that some kind of cess on basis of say half an anna or quarter of an anna in the rupee on the wages which are paid to the labourers should be contributed by Port Trust and a fund created in order that certain facilities may be provided to the labourers. That would be a statutory obligation on the part of the Port Trust. But, Sir, this is merely a permissive measure and I do not know how far it will serve the purpose which my honourable friend the General Member has in view. That is one point, and the second point is, Sir, that since this has been brought forward for the Bombay Port Trust, as I understood from his speech that he just now delivered that there is some kind of provision in the law for the Karachi Port Trust. .

The Honourable Sir COWASJI JEHangIR : That is another clause of the bill altogether.

Mr. N. A. BECHAR : I see. If it is not so, I want to impress upon the Honourable the General Member the necessity of amending the Karachi Port Trust Act also in accordance with the provision which is now sought to be made for the benefit of labourers employed in the Bombay Port Trust. Sir, the Karachi labourers are under very many disadvantages and are certainly feeling the trouble to a larger extent than those employed in Bombay, because I understand that the Bombay labourers are far more and better organized than the Karachi labourers, and since that is the condition, I should have thought that the Honourable the General Member, who has brought this bill, would have brought simultaneously a kind of amendment which would permit or authorise the Karachi Port Trust to make similar contributions.

Sir, these are all the observations which I wanted to make, and I trust the Honourable the General Member will kindly see his way to make this bill so thorough and elastic that the Port Trust might be compelled to make certain contribution and that it should be earmarked for the labourers, who are 99 per cent. of their employees. Sir, if they allot say Rs. 10,000 and then give Rs. 5,000 to the few officers and the other Rs. 5,000 for the labourers it would clearly be an eye-wash in order to give some benefit to the officers, who are already enjoying so many facilities. With these observations I resume my seat.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support this bill, and in giving my support, I want to make one thing clear. I should very much like that the welfare fund should come out of the general revenues of the Port Trust rather than by taxing the workers. . . .

The Honourable Sir COWASJI JEHangIR : I can't hear anything.

The Honourable the PRESIDENT : Will the honourable member come nearer here to this bench ?

Mr. F. J. GINWALLA : Very well, Sir. My point was this, that ordinarily these welfare schemes are generally undertaken by millowners

[Mr. F. J. Ginwalla]

and other capitalists, and not by going in for a special tax in the shape that is now proposed to be levied under this bill, but generally they are started and supported out of the industrial revenues derived by the millowners or other capitalists, as the case may be. And that is done by the millowners of Bombay. Anyhow, since Government has undertaken this welfare scheme, I give my support because I find that the fund will be utilised for the welfare of the workers, and I am told by my honourable friend Mr. Winterbotham, who was here in this Council yesterday, that the Port Trust have two or three schemes for them, and one of them is that they are going to provide maternity Home for the workers of the Port Trust and they are also going to provide for education for the workers. That was a thing for which I was agitating for a long time. But I hope the labourers' interests will be consulted, because in ordinary experience we find this that, even in the case of fines of the workers generally, they are appropriated not for the benefit of the workers but for the purpose of starting institutions and clubs for the higher salaried classes, namely, the officers. And in this connection, even there is a complaint raised by the Port Trust workers that fines and lapsed wages are utilised not for the benefit of the workers but for that of the higher staff. I trust Government will see that they are utilised for the benefit of the workers.

Mr. SYED MUNAWAR : Mr. President, I rise to support this welcome measure. I associate myself in the observations made by my honourable friends Messrs. Bechar, Bole and Ginwalla, and I heartily congratulate the Honourable the General Member for the initiative he has taken in bringing forward this measure.

Sir, it is not clear from the statement of objects and reasons as to whether the employees include even the Chairman of the Port Trust, the Deputies, and other high placed officers. If the employees' welfare fund is intended to benefit only petty officials and all labourers in general, that will be to the credit of this bill. I hope the Honourable the General Member will make the position clear with regard to this. Further, I should like to know from the Honourable the General Member, what will be the Government contribution in regard to this fund and how much amount will be apportioned out of the earnings of the Port Trust towards this fund ? Further, it is not clear from the statement of objects and reasons whether any committee will be constituted for the administration of this fund and whether the employees will be adequately represented thereon. If all these necessary particulars are provided for in this Bill. I think this measure will serve the purpose for which it is intended. With these few words, Sir, I support the first reading of this bill.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President. In rising to support the first reading of this bill, I would like to ask the honourable mover of the bill why legislation was absolutely necessary for this purpose, whether welfare societies could not be established by the Port Trust. And I would also like to know whether, when this bill passes into an Act, rules would be framed and whether those rules would be placed before us for our approval, or whether Government will see that the interests of the labourers and other classes are properly

[Moulvi Rafiuddin Ahmad]

safeguarded by those rules. I would also like to know whether it is the intention of the Government to go through all the stages of the bill to-day. I personally would think that the third reading might be postponed. But, if there is any urgency about it, I should like to know why the question is so urgent that all the three stages of the bill should be gone through to-day.

The Honourable Sir COWASJI JEHangIR : Mr. President, I am not accustomed to accept congratulations which I do not deserve, and on this occasion I must inform the honourable House that the proposals have come from the Chairman and Trustees of the Port of Bombay, and that the Chairman and Trustees are most anxious to do some welfare work for their employees, and if any credit is deserved, it should go to the Chairman and Trustees of the Port of Bombay.

I will take the final point first. My honourable friend Moulvi Rafiuddin wanted to know, what was the urgency for this bill? The urgency is that the Port Trust have got several works of welfare work which they cannot put into operation unless this legislation is passed by the honourable House. They have got the money and they are prepared to go ahead with their good work, provided this honourable House will pass this bill.

The next question put by my honourable friend Moulvi Rafiuddin Ahmad is, why legislation is necessary. I can assure him that Government does not bring legislation into this House unless it is necessary. It is no pleasure to bring in legislation. Because the Port Trust cannot go in for any welfare work as there is no section in the existing Act which enables the Port Trustees to incur expenditure from their general accounts for such welfare work, a provision has to be made to enable them to do so....

MOULVI RAFIUDDIN AHMAD : Was there not a single work of this kind carried on before ?

The Honourable Sir COWASJI JEHangIR : I was asked by several honourable members who represent labour as to where the money is coming from and how it is going to be spent. The fund will be created with all monies accruing from the following sources :—

1. Fines levied from the Trustees' employees.
2. Unclaimed wages which are now credited to revenue under "Interest and Miscellaneous."
3. Forfeitures under rules 11 and 12 of the Provident Fund for permanent employees and rules 3 and 6 of the Provident fund for temporary employees.

Up to now these monies were credited to the General Account. Now, they want to utilise the monies for the benefit of those who pay. Any balance at the credit of the fund may be utilised for the following purposes :—

1. Payment of demands for unclaimed wages transferred to the fund.

[Sir Cowasji Jehangir]

2. Subscriptions or donations to institutes, clubs or other similar objects connected with the welfare of the trustees' employees and their families.

3. Payment of any special rewards to employees for life-saving or other meritorious acts.

The disbursement of the fund will require the sanction of the Board except for payments for unclaimed wages.

There is a special provision which I find from the minutes of the Port Trustees forwarded to Government. Sir Purshottamdas Thakurdas suggested that it should be made sufficiently clear that the benefits of the fund would be restricted to those classes of employees from whom the revenues of the fund will be mainly drawn. Therefore all classes of employees will benefit according to the amounts they forfeit in wages or in other ways I have just now mentioned.

I believe I have answered all the points that were raised by my honourable friends. There is nothing, as far as I can see, in the bill which would prevent the trustees from making a donation. Government generally does not interfere with the internal management of the Port Trust, and at one time this honourable House, I remember, was very strongly in favour of non-intervention on the part of Government, in the work of a semi-public body which has, on its board, representatives of all classes and sections of the public and which body requires no dictation either from Government or from anybody else. Clause 2 enables the board to frame regulations for the purpose of this fund and therefore the fund will be administered by the board....

MOULVI RA'IUDDIN AHMAD : Will the regulations be placed on the table of this House ?

The Honourable Sir COWASJI JEHANGIR : I do not think it will be a wise step for honourable members to insist that the Port Trustees, who are empowered under the Act to make regulations, should be forced to place them on the table of this House. To do that we shall have to have an amendment of the Act. Under the Act this House has, at one time or another, given the trustees power to make rules. They have delegated that power. They have given this power under an enactment, and we cannot deprive the trustees of this power unless and until we amend the Act. Therefore, no rules made by the trustees can be placed on the table of this honourable House unless you change the Port Trust Act....

Mr. S. K. BOLE : Who will manage the affairs of the fund ?

The Honourable Sir COWASJI JEHANGIR : The Chairman and the Trustees will manage the fund and they will make the regulations.

These are the provisions of the bill. I see no reason to make any change in them. I now move for the first reading of the bill.

Bill read a first time. Question put and carried.

The Honourable Sir COWASJI JEHANGIR : Sir, I move that the  
Second reading. bill be read a second time.

Question proposed.

Mr. N. A. BECHAR (Karachi City) : Sir, I am opposed to the second reading going through at this session. From the explanation given by the Honourable the General Member in reply to the criticism which we offered on this bill, it is very clear that only the amounts forfeited in the shape of salaries or fines paid by the port trust employees will be credited to this fund. That is the specific object for the purposes of which this bill is brought. Since I know that the port trustees dare not levy any fines on their officers nor are the officers generous enough to forgo their salaries, on the contrary they would rather find out some way of increasing their salaries—it is my opinion that this provision about officers and servants of the port trust is very misleading and is likely to lead to the use of the fund for purposes for which it is not intended.

Then again, the labour members in this House are very anxious and are very insistent that since this fund is contributed solely by the labourers themselves, they should have a voice in the administration of this fund. It is natural and it is right that there should be their voice and that principle has been recognised all over in the labour legislation. Therefore, when he is omitting this provision, he is making the bill seriously defective, and since these are the defects which occur to us on the spur of the moment and it may not be possible for these defects to be removed, I trust that the Honourable the General Member will not rush through the second reading or the third reading at this stage but will allow this bill to go to a select committee. I am not very anxious to have a select committee but I am merely saying that there is no other alternative to this and as the bill is a small one, it can be taken up at the February session without much difficulty. This thing has gone on for years and it is not proper for the Honourable the General Member in his reply to get up and say that this is a very urgent measure and must be rushed through like this. Since such a bill has been put forward, let us make it at least fairly satisfactory to the labourers. We are after all very few that can approach Government in a matter of this kind, and I therefore trust that this still small voice which we are able to raise in this House will not go in vain and that the Honourable the General Member will see the reasonableness of making a small provision about the representation of representatives of labour on the administration of this fund and also of removing these “officers” which expression may include the Chairman drawing Rs. 6,000 a month. Therefore, I move that this bill be referred to a small select committee which the Honourable the General Member himself may select.

Mr. S. K. BOLE : Sir, I fully associate myself with what has been stated by my honourable friend Mr. Bechar. Sir, I am against the imposition of any fines on the poor labourers and that power should not be given to the officers. If that power is already there, then a bill should be brought to withhold this power which is in the existing Act. Sir, if these fines are allowed to be used for financing the affairs of this fund, then the officers will be inclined to fine the labourers heavily, in order to finance the welfare fund.

The Honourable Sir COWASJI JEHangIR : It will all go to the labourers,

Mr. S. K. BOLE : That is all right. You are taking it from their pockets, and giving it to them as a matter of charity. That would not be fair and just. Besides, the officers are also included in the clubs. What these clubs are I need not say. So, I am against rushing this bill through, and I hope the Honourable the General Member will be generous and fair enough to appoint a select committee for the further consideration of this bill.

Mr. R. D. BELL : Sir, I only wish to explain the urgency of this measure. I happen to be the only trustee of the port of Bombay in the House to-day, and I wish honourable members to understand that the Port Trust already have one or two welfare schemes ready, and the money has been provided in their budget. One of them is the maternity home, of which the honourable member opposite (Mr. Ginwalla) has made mention. The Honourable the General Member pointed out that there is nothing in the Bill to prevent the Port Trust making contributions from the general funds to the welfare of its employees. The welfare schemes which are ready will actually be carried out at the cost of the general funds and it is the intention of the trustees, if I may presume to speak in their name, to make provision, as their funds permit, specially for the poorer classes of employees. I have never heard a suggestion made that any funds should be supplied from the general revenues of the Trust for the benefit of the highly paid employees. Several members of the Trust have been insistent, however, that welfare work should be carried on for the benefit of the poorer employees. In connection with the maternity scheme, the Infant Welfare League have agreed to give their assistance and guidance. If this bill is referred to a select committee and its further consideration is postponed till the February session, it will not be possible, because it is not legal, for the Port Trust to start these welfare schemes during the current year as they desire to do.

Mr. N. A. BECHAR : On a point of information, it has been stated in the speech of the honourable member who happens to be a trustee of the Port Trust that there is nothing in the Act of the Port Trust to militate against their contributing anything to these welfare schemes. If that is so, where is the hurry for this bill ? They can go on with the present Act.

Mr. R. D. BELL : They cannot do it under the present Act, but they can do it if the Act is amended.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support the second reading of this bill, for the simple reason that it is a bill in the right direction. We are asking for welfare schemes for Labour time and again, and when Government, at the instance of the Port Trust, are bringing forward such a measure, I think it is the duty of honourable members to welcome such a bill. I understand that the schemes have been started specially at the instance of Sir Purshotamdas, who takes an active interest in such matters. I am sure whatever sums they have will be used for the benefit of the labourers. I do not think there is any necessity for any apprehension on the part of honourable members, and therefore I give my support to the bill.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I really do not know whether I should oppose this bill, although there is strong opposition from some of the honourable members. We do not like that everything should be unchallenged, and so we do exercise our right and we say that we are not satisfied that there is very great urgency about it. Why did not the Honourable the General Member bring forward this measure six or eight months ago? Supposing they ask him to carry through this bill in one day, why should he listen to them? There is public opinion also to be considered, and although the representatives of Labour are divided . . . . .

An Honourable MEMBER : It is a solitary voice.

MOULVI RAFIUDDIN AHMAD : That solitary voice is a very strong voice.

Mr. SYED MUNAWAR : He is not a representative of Labour.

MOULVI RAFIUDDIN AHMAD : We should not be divided, but should give a strong opposition to Government. I should say it would be quite constitutional to allow the bill to go to a select committee, which might be proposed by the Honourable the General Member himself. We do not like that matters should be carried on in this highhanded manner by Government. The smaller the number, the stronger the opposition. It is not right on the part of Government to rush this bill through all its stages now. These powers are reserved for really very urgent bills. No such urgency has been made out in this case, and I would appeal to you, Sir, that you should not give permission, as guardian of the interests of this House, to Government to allow this measure to be passed through all its stages at once.

The Honourable Sir COWASJI JEHangIR : Mr. President, it is with considerable hesitation that I oppose the proposal to send this bill to a select committee. I hesitate to do so simply for the reason that some of my honourable friends have deserted us this afternoon. If they had all been here, I should have felt much stronger in my opposition to this amendment to commit the bill to a select committee. But simply because we happen to be deserted this afternoon, I cannot desert the trustees of the Port Trust of Bombay. I have been informed by the Chairman of the Port Trust that the trustees are anxious that the bill should become law as soon as possible.

MOULVI RAFIUDDIN AHMAD : They are your favourites

The Honourable Sir COWASJI JEHangIR : He has requested Government to do their best to get through this legislation during this session, to enable the Trust to carry on the beneficial work which they propose to do.

In answer to the apprehensions expressed by some of my honourable friends here that this money may be used for the benefit of the officers of the Trust instead of the poorer employees, I would again point out that, at the instance of Sir Purshotamdas Thakurdas, a provision has been inserted that it should be made sufficiently clear that the benefits of the fund should be restricted to those classes of employees from whom the revenues of the fund will be mainly drawn. Therefore, any money



[Sir Cowasji Jehangir]

contributed by the poorest classes cannot be used for the benefit of the officers of the Trust.

Mr. S. K. BOLE : It should be in the body of the Act.

The Honourable Sir COWASJI JEHangIR : It cannot be in the body of the Act ; it will be done by rules.

Now, Sir, I may assure the honourable member Moulvi Rafiuddin Ahmad that I am proposing to carry this bill through all the three readings to-day, not because I see he is deserted, but because I had made up my mind on the request of the Port Trust that we should make an attempt to pass this bill in all its stages to-day.

I move the second reading.

Mr. N. A. BECHAR : There is official bloc....

The Honourable the PRESIDENT : Order, order. I understand that the honourable member Mr. Bechar has moved an amendment that this bill be referred to the select committee. I put it first.

Question put and lost.

The Honourable the PRESIDENT : I will now put the original motion that the bill be read a second time.

Bill read a second time Question put and carried.

*Bill read clause by clause*

The Honourable the PRESIDENT : Question is that Clause 2 do stand part of the bill.

Mr. N. A. BECHAR : If this bill is proposed to be rushed through all the three readings in this session is it not proper, Sir, that we should be allowed to move amendments ? The amendment should be moved either in the select committee or at this stage here.

The Honourable the PRESIDENT : I think I have given my ruling. I understand the difficulty of the honourable member. The bill was before the honourable members and they must always be prepared, as they have been in other cases, in submitting their amendments so that in case the bill is to be carried through all its stages those amendments may be useful.

Mr. N. A. BECHAR : You will permit me, Sir, to make one observation. The Honourable the General Member never informed the members that this bill would be carried through all its three stages in this session. If he had so informed us we would have had an opportunity of giving notice of amendments.

The Honourable the PRESIDENT : I learn from the Secretary that that was not known even to the office. I would therefore allow the honourable member to move his amendment.

Mr. N. A. BECHAR : I thank you, Sir, for the mercy. May I request you, Sir, to exercise your power of postponing the consideration of the bill ?

The Honourable the PRESIDENT : If the honourable member is ready he may place his amendment in my hands.

*Clause 2 (Amendment of section 22 of Bom. VI of 1879).*

After sub-section (6) of section 22 of the Bombay Port Trust Act, 1879, hereinafter called the said Act, the following shall be inserted, namely :—

“ *Contributions to welfare fund.*—(6-A) for authorizing the payment of contributions to any welfare fund which may be established by the Board for the benefit of the officers and servants appointed under this Act and the Chairman ;

“ *Contributions or appropriations to special funds.*—(6-B) for authorizing the payment of contributions or appropriations to any special fund or funds which may be established by the Board for any of the purposes of this Act :

Provided that no such special fund shall be established without the previous sanction of Government ; and the maximum amount to which any such special fund may be allowed to accumulate shall be fixed from time to time by Government.”

Mr. S. K. BOLE : I move, Sir,

“ That in clause 2 (6-A) the words ‘ officers and ’ be deleted.”

Question proposed.

Mr. N. A. BECHAR (Karachi City) : Sir, I rise to support this amendment for the deletion of the words moved by my honourable friend Mr. Bole. It is very clear from the provisions of the bill as well as from the speech of the Honourable the General Member that this bill merely intends to authorise the Port Trust to create a fund and spend it for the benefit of the labourers exclusively. This fund is to be created out of the money recovered in the shape of fines and forfeiture of wages from labourers. If this money is going to be taken from the labouring class—and the Honourable the General Member has also agreed -this money has to be applied for the benefit of the people from whom this money is going to be derived. If that is so I fail to see what objection the Honourable the General Member can have to agree to this amendment. At the instance of Sir Purshotamdas Thakurdas the Port Trust have agreed that this money should be used exclusively for the benefit of the people from whom this amount is going to be derived. Let us make the thing clear. The speeches of the Minister and honourable members in the Council are not valid and only the law will be valid in courts. They may have made certain statements on the floor of the Council but the courts will hold valid only the provisions of the Act. Therefore we ought not to leave any ambiguity in this matter and delete these words. I am sure the Honourable the General Member will accept it.

Mr. SYED MUNAWAR : Sir, I rise to move the following amendment.....

The Honourable the PRESIDENT : There is already an amendment before the House.

Mr. SYED MUNAWAR : Sir. I support the amendment moved by my honourable friend Mr. Bole to delete the words ‘ officers and ’ in clause 2 (6-A). This fund should be applied only to the employees who are low paid officials and labourers of the Port Trust. It is an admitted fact that officers do not contribute to this fund as they are neither fined nor do they ever forfeit their salaries. As it is only labourers and servants that contribute to this fund, they alone must derive the whole benefit out of it. With these words, I support the amendment.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City). (Addressed the House in Urdu): Sir, I support the amendment moved. As the fund is made up of amounts of fines, unclaimed wages and provident funds forfeited by labourers, clear provision should be made that it should not be devoted to the welfare of the officers, but for the welfare of labourers and servants. It is a well known fact that officers are seldom fined or that their pay remains unclaimed, and a large portion of this fund will be fines, forfeiture and unclaimed pay; therefore in all fairness those who subscribe must get the benefit. Then, Sir, having regard to the fact that the object of the act is also to give benefit to those who subscribe, I trust this House will support this amendment.

Sir VASANTRAO DABHOLKAR: Sir, I rise to oppose the amendment. If the amendment of my honourable friend is passed the bill will interfere with the internal management of the Port Trust. The word "officer" has not been properly defined by the honourable mover of the amendment. May I know what will happen to the provident fund forfeited by a gazetted officer drawing Rs. 500? There are many instances where gazetted officers drawing Rs. 500 have had their provident funds forfeited. As urged by Sir Purushotamdas Thakurdas, those who contribute to a fund should get the benefit of the fund. I do not say that the benefit should go to the Chief Engineer of the Port Trust or the Chairman of the Port Trust. The funds forfeited by officers should go to other officers. The fines of the labourers may come to a few annas or rupees, but the forfeited provident funds of officers will come to thousands. It is, however, not a question of giving it to officers. We should give the power to the Port Trust. Why should this honourable House or the mover of the amendment presume that the trustees of the Port Trust will not do justice to their employees. The Honourable the General Member has stated that the major part of the fund will go to the Children's Welfare Fund or to maternity homes. If that is to be the case, my honourable friend the mover of the amendment will agree that the fund will not go to the officers but to the other employees. Unless the word "officers" is defined by the mover of the amendment, the amendment should not be accepted.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I support the amendment. I do not think we will be interfering with the internal management of the Port Trust if we pass this amendment. Sir Vasantrao Dabholkar has referred to interference and to what Sir Purushotamdas Thakurdas has said in regard to this fund. But nothing is binding on anyone once the Act is passed about what is stated in the statement of objects and reasons. We know as a matter of fact that as a rule when fines are taken from a certain class of people it is returned to them in other ways; therefore I do not see any objection to the omission of the word "officers" from the clause. The word "servant" includes officers. The Honourable the General Member has himself stated that the funds will be used for the benefit of those who contribute, and not for the benefit of those who do not contribute and therefore I believe the word servant is sufficient. I think when the word "officer" is omitted the bill will carry out the spirit of the statement of

[Mr. Hooseinbhoy Abdullabhoy Lalljee]

objects and reasons, that is, it will be used for the benefit of those who subscribe. I therefore hope that the Honourable the General Member will agree to the deletion of the words "officers and," and assure the Port Trustees that in reality he and the honourable House have done their level best to carry out their wishes, that is those servants who subscribe will be getting the benefit. This honourable House is also anxious to pass this bill provided it is satisfied that the interest of the parties who subscribe will be taken care of. I do not say that this House should interfere with the internal management of the Port Trust. But the fact is that there are no labour representatives on the Port Trust; therefore, the rules made for the regulation of the fund should according to the desire of labour representative here be subject to the approval of the House.....

The Honourable Sir COWASJI JEHangIR : The rules made for the regulation of the fund ?

Mr. HOOSEINBHOY ABDULLABHOY LALLJÉE : Yes. There are no labour representatives on the Port Trust while there are labour representatives in this House. I think the word "officers and" may be safely deleted. I hope this honourable House will support this amendment. I know the General Member has got an official majority, but I appeal to him not to take serious objection to this amendment.

(Dr. P. G. Solanki rose in his place).

The Honourable the PRESIDENT : Does the honourable member wish to make a speech ?

Dr. P. G. SOLANKI : Yes, Sir.

The Honourable the PRESIDENT : The House is adjourned, till 2-30 p.m. to-morrow, Thursday, the 13th October 1927.

*Thursday, the 13th October 1927*

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The Council re-assembled at the Council Hall, Poona, on Thursday, the 13th October 1927, at 1-30 p.m., the Honourable the President, Mr. A. M. K. Dehlavi, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 ADDYMAN, Mr. J.  
 AHMAD, MOULVI RAFIUDDIN  
 ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESAI, Rao Saheb D. P.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HATCH, Mr. G. W.  
 HOTSON, the Honourable Mr. J. E. B.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHangIR, the Honourable Sir COWASJI

JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHRO, Mr. M. S.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUZUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 MUNSHI, Mr. K. M.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. G. I.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 POOLEY, Mr. C. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURSHOTTAMRAI, G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Are there any new members desirous of taking their seats?

Mr. C. B. Pooley then made the prescribed oath of allegiance to His Majesty the King Emperor and took his seat in the Council.

The Honourable the PRESIDENT: Questions.

#### MAHOMEDAN COLLEGE, ANDHERI

MOULVI RAFIUDDIN AHMAD (Central Division): Will Government be pleased to state—

(a) when the Mahomedan college will be opened;

(b) whether any members of the staff have been appointed: if not, will the Honourable Minister be pleased to state when the institution is likely to be opened and how many professors and lecturers will be appointed at its commencement?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The honourable member for Central Division is referred to the reply given to clause (d) of Khan Saheb A. M. Mansuri's question printed at page 1507 of the Bombay Legislative Council Debates, Volume XX, Part XVIII, for August 1927.

(b) The matter is under consideration.

#### P. R. TRAINING COLLEGE, AHMEDABAD

Mr. H. J. AMIN (Broach District): Will Government be pleased to state—

(a) the reasons for closing the Premchand Raichand Training College at Ahmedabad;

(b) the list of professors, clerks and peons, etc., maintained at the Premchand Raichand Training College with their service and pay and where they have been employed after closing the College?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The Premchand Raichand Training College at Ahmedabad has not been closed.

(b) The accompanying statement giving the required details of the professors, clerks, peons, etc., employed at the College is placed on the Council table.

*List of teachers, clerks and peons maintained at the P. R. Training College for Men, Ahmedabad, with their service and pay*

No.	Name	Designation	Pay	Service up to 31st July 1927	Remarks
			Rs.	Y. m. d.	
1	Vacant ..	Head Master ..			
1A	Mr. M. H. Chokshi ..	Acting do. ..	250 plus 30 special pay.	23 10 9	
2	„ C. M. Shah ..	Assistant Master			On deputation as Assistant Deputy Educational Inspector, Panch Mahals.

No.	Name	Designation	Pay	Service up to 31st July 1927	Remarks
			Rs.	Y. m. d.	
2A	Mr. M. M. Parikh ..	Acting Master ..	135 plus 27 duty allow- ance.	13 6 15	
3	„ L. A. Sayed ..	Assistant Master	250	20 8 1	
4	„ S. J. Pakal ..	Do. ..			On deputation as Assistant Master, Telang High School, Godhra.
5	„ P. D. Vyas ..	Do. ..	190	17 1 0	
6	„ M. Dwivedi ..	Do. ..			On deputation as Assistant Master, Training College for Women, Ahmedabad. e
7	„ P. V. Desai ..	Do. ..			On deputation as Assistant Master, Government Middle School, Ahmedabad.
8	„ M. B. Gandhi .	Do. ..	150	13 6 24	
9	„ R. D. Derasari ..	Do. ..	140	12 4 1	
10	„ P. I. Luhar ..	Drawing Master ..	135	25 10 20	
11	„ L. D. Pandya	Do. ..	135	21 4 0	
12	„ B. A. Dave	Music Teacher ..	85	8 4 0	
13	„ H. D. Pandya ..	Gymnast ..	55	12 4 20	
14	Vacant ..	Do. ..			
14A	Mr. V. H. Takle .	Acting do. ..	35	1 5 0	
		<i>Clerks</i>			
1	Mr. S. J. Parikh ..	Head Clerk ..			On deputation as Acting Head Clerk, Deputy Edu- cational Inspector, Kaira, Southern Division.
2	„ R. K. Bhatt ..	2nd Clerk ..			On deputation as Acting Clerk, Educational Ins- pector, Northern Division.
2A	„ J. A. Shah ..	Acting Clerk ..	55	7 11 7	
		<i>Menials</i>			
1	Keshav Lallu ..	Peon ..	16 plus 1*	24 7 23	*Local allowance.
2	Garib Pandoi ..	Do. ..	15 „ 1	17 1 11	
3	Motiji Haiduji ..	Do. ..	15 „ 1	8 9 0	
4	Hiraji Dhiraaji ..	Hamal ..	15 „ 1	7 4 19	
5	Fulaji Mehruji ..	Do. ..	15 „ 1	2 1 0	
6	Dahya Amtha ..	Do. ..	15 „ 1	0 4 17	
7	Ragnath Garibhir ..	Ramoshi ..	15 „ 1	2 5 13	



No.	Name	Designation	Pay	Service up to 31st July 1927		Remarks
			Rs.	Y.	m. d.	
8	Lala Kalyan ..	Faras ..	15 plus 1	24	9 26	
9	Hamirji Hakamanji	Pagi ..	15 „ 1	2	5 9	
10	Bhagoji Hiraaji ..	Do. ..	15 „ 1	0	6 6	
11	Amu Dungar ..	Kitchen servant ..	19	16	1 12	
12	Mohan Jolta ..	Do. ..	18	9	0 0	
13	Vacant ..	Do. ..	18			
14	Vacant ..	Do. ..	18			
15	Motilal Bhagvan ..	Cook ..	31	23	0 17	
16	Amtharam Mulji ..	Do. ..	24	20	10 18	
17	Vacant ..	Do. ..	24			
18	Vacant ..	Do. ..	21			
19	Ranchhod Hamji ..	Mali ..	26	8	9 0	
20	Dosaji Jalamji ..	Do. ..	21	3	5 17	
21	Somla Jetha ..	Bhangi ..	16	5	11 0	
22	Somla Kalia ..	Do. ..	16	9	5 0	
23	Mansukhia Kalia ..	Do. ..	16	**		** He is in the college since a very long time.

Mr. H. J. AMIN : May I know whether Government are thinking of closing the school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No decision has yet been taken.

Mr. H. J. AMIN : Before such a decision is taken will the Government consult public opinion ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No such decision has been taken.

Mr. W. S. MUKADAM : Will Government at least let the Councillors know of the decision ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I have no objection.

Mr. J. C. SWAMINARAYAN : How many classes are there for the first year and for the second year ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I can't answer that question off-hand.

#### REPRESENTATIONS FROM TALATIS OF NORTHERN DIVISION

Mr. H. J. AMIN (Broach District) : Will Government be pleased to state whether they have received representations from Talatis of Northern

Division about the increase in their pay and pension and what action has been taken upon them.

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) The Talatis have been informed that their petition for a revision of the scale of their pay cannot be granted and that their request for enhanced pensions will be noted when the new pension rules come under the consideration of Government.

Mr. H. J. AMIN : Will Government be pleased to state when they think of revising the pay ?

The Honourable Mr. J. L. RIEU : I can't say.

#### COUNTRY LIQUOR SHOPS : AUCTION SALE PROCEEDS

Mr. R. S. ASAVALE (Bombay City, North) : Will Government be pleased to state the amount of money realised at the auction sales of the country liquor shops in the City of Bombay in the years 1925, 1926 and 1927 with the figures of rationed and actual sale quantities for 1924-25, 1925-26 and 1926-27 in London proof gallons ?

The Honourable Mr. G. B. PRADHAN : The amount realised at the auction sales in each of the years 1925, 1926 and 1927 was as shown below :—

				Rs.
1925	.	.	..	..
1926	..	..	.	..
1927	..	..	..	..
				18,95,379
				19,08,700
				18,80,384

The figures of ration and consumption in each of the years 1924-25, 1925-26 and 1926-27 in London Proof gallons are as follows :—

			Ration Rs.	Consumption Rs.
1924-25	..	..	5,77,407	5,04,967
1925-26	..	..	4,71,501	4,36,628
1926-27	..	..	4,45,464	4,23,612

Mr. B. V. JADHAV : The figures of ration are given under the heading Rs.

The Honourable Mr. G. B. PRADHAN : That is a mistake.

#### USE OF GUJARAT VIDYAPITH TEXT BOOKS BY KARACHI SCHOOL BOARD

Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to state—

(a) whether they have received any representation from the Karachi School Board requesting permission for the use of Gujarat Vidyapith Text Books ;

(b) if so, when and what has been done with regard to the same ;

(c) whether there is anything objectionable in these books ;

(d) if not, whether they intend to accord their general sanction to the use of these books in municipal and other aided schools ;

(e) if the reply to (d) be in the negative, the reasons for withholding sanction to books written by well-known educationists of Gujarat ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) An application from the Karachi Municipality for the use of Books I and II of the Gujarat Vidyapith Readers was received by the Educational Inspector in Sind.

(b) The Karachi Municipality has been allowed to use these books.

(c) and (d) The books are not considered to be entirely suitable. Nevertheless Government have accorded their approval to their use in all primary schools whose managers, whether they be local authorities or private persons or bodies, desire to use them. This approval is subject to the distinct understanding that Government reserve the right to withdraw it at any time if they consider it desirable to do so.

(e) Does not arise.

Mr. N. A. BECHAR : I want to know whether permission has been granted to the Karachi Municipality for the use of all these books or only Books I and II.

The Honourable Dewan Bahadur HARILAL D. DESAI : Books I and II have been allowed.

Mr. N. A. BECHAR : I want to know what action the Honourable Minister has taken with regard to the application of the municipality for the use of all the books published.

The Honourable Dewan Bahadur HARILAL D. DESAI : Answer to (c) and (d) contains the reply. It says :

"The books are not considered to be entirely suitable. Nevertheless Government have accorded their approval to their use in primary schools whose managers, whether they be local authorities or private persons or bodies, desire to use them. This approval is subject to the distinct understanding that Government reserve the right to withdraw it at any time if they consider it desirable to do so."

Mr. N. A. BECHAR : That does not answer my specific question. The question is whether permission has been granted for the use of the books of the same series excluding I and II.

The Honourable Dewan Bahadur HARILAL D. DESAI : I would require notice.

Mr. W. S. MUKADAM : May I know whether Government are thinking of allowing the other Gujarat Vidyapith text books in schools where the managers are willing to use them ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government will have to examine the other books of the series

Mr. W. S. MUKADAM : May I know whether they are not examining it for the present ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They are thinking of examining when proposals come up.

#### SLAUGHTER OF BOVINE CATTLE

Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to furnish a statement showing the number and age of each different

kind of bovine cattle slaughtered during each of the years 1925-26 in the jurisdiction of each of the Municipalities, Cantonments and, if possible, in rural areas of each district for local consumption ?

The Honourable Sir GHULAM HUSSAIN : Government regret that it will be impossible to obtain any accurate figures regarding the age of the different kinds of cattle slaughtered even in the Municipal and Cantonment areas, and that in the rural areas accurate figures of the numbers slaughtered also cannot be obtained. Under these circumstances they do not think that any useful purpose will be served by attempting to collect the figures asked for.

Mr. N. A BECHAR : Is it or is it not a fact that the number of cattle in the presidency is getting reduced every day and that action has to be taken ?

The Honourable the PRESIDENT : That does not arise.

Mr. JAIRAMDAS DOULATRAM : With regard to the first part of the question in which enquiry is made as to the number of different kinds of bovine cattle slaughtered in the jurisdiction of municipalities and cantonments, in the reply it is said that accurate information regarding the age of cattle cannot be obtained. Can the number be determined ?

The Honourable Sir GHULAM HUSSAIN : Yes ; I think I have already supplied the information.

Mr. JAIRAMDAS DOULATRAM : May I know when ?

The Honourable Sir GHULAM HUSSAIN : I do not remember when ; but it has been given to the Council some time ago.

#### STATISTICS BILL

Mr. S. K. BOLE : Will Government be pleased to state whether they propose to introduce a bill on the lines of the Statistics Bill which they wanted to introduce a few years ago ? If so, when ? If not, why not ?

The Honourable Sir CHUNILAL MEHTA : The attention of the Honourable Member is invited to the answer given to Mr. Syed Munawar's question regarding Statistics Bill earlier in the session.

#### WATER WORKS ENGINE, KARAD

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) the cost of the engines and pumps used for the Karad (district Satara) water works ;

(b) whether it is a fact that the crankshaft of one of the engines was broken and that the engine was out of use for the last six months ;

(c) whether it is a fact that only one engine was working all the while and that too failed before the first engine was repaired ;

(d) whether the person in charge of these machines is a qualified man ; and if so, the examination he has passed ?

The Honourable Sir GHULAM HUSSAIN : (a) The cost was as follows :—

	Rs.
Engine .. ..	19,869
Pumps .. ..	44,197
Meter .. ..	3,995

(b) Yes.

(c) Yes.

(d) The Engineer in charge of the Water Works, whose appointment was approved by the Mechanical Engineer to Government, is not a man with academical qualifications but is a practical man with experience. In the case of an oil engine plant, such a man is found to be more suitable than a theoretically qualified man with little or no experience. The cracking of the crankshaft was not due to any neglect or fault of the Engineer, but was due to unequal settlement of the foundations.

Mr. L. M. DESHPANDE : I have asked the cost of the engines, while the cost of "engine" only is given. Is it the cost of two engines or one engine ?

The Honourable Sir GHULAM HUSSAIN : I think the cost is of two engines ; I think the word "engine" is a misprint and that it should be "engines."

Mr. L. M. DESHPANDE : It is stated in answer to question (b) that the engine was not repaired for six months. May I know who was responsible for delaying the repairs for the last six months ?

The Honourable Sir GHULAM HUSSAIN : Fittings could not be had.

Mr. R. G. PRADHAN : Why ?

The Honourable Sir GHULAM HUSSAIN : Because they could not be had.

Mr. L. M. DESHPANDE : But when the other engine also failed, it was repaired immediately.

The Honourable Sir GHULAM HUSSAIN : Yes ; the fittings could be had then.

Mr. G. I. PATEL : May I know whether it is not possible to get a crankshaft, etc., newly manufactured in Bombay works within fifteen days if they are broken ?

The Honourable Sir GHULAM HUSSAIN : That is not my experience. That may be the honourable member's experience.

Mr. G. I. PATEL : Yes, that is my experience. Why was it not done in this case ?

The Honourable Sir GHULAM HUSSAIN : I have already answered that.

Mr. L. M. DESHPANDE : It is stated in the answer that the engineer in charge of the water works is not a man with academical qualifications but is a practical man with experience. May I know where he had experience ?

The Honourable Sir GHULAM HUSSAIN : Will the honourable member kindly give me notice ?

Mr. L. M. DESHPANDE : It is stated here that he had experience. But where did he have that experience ?

The Honourable Sir GHULAM HUSSAIN : I ask for notice.

Mr. L. M. DESHPANDE : I have already given it.

The Honourable Sir GHULAM HUSSAIN : The honourable member did not ask me (in his printed question) where the engineer had got his experience ? So, I require notice.

#### FISHERIES DEVELOPMENT

Mr. B. V. JADHAV (Satara District) : Will the Honourable the Minister for Excise be pleased to state—

(a) the amount spent on the Fisheries Department during the last three years and the work of development carried on ;

(b) whether he is thinking of doing something for the development of the fisheries ?

The Honourable Mr. G. B. PRADHAN : (a) None, as the Department of Fisheries has not been functioning for the last three years.

b) Not till the financial situation improves.

#### LIQUOR LICENSE, AHMEDABAD

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state—

(a) the number of foreign liquor licenses and country liquor licenses in the City of Ahmedabad ;

(b) whether they are prepared to assure the House that they will not grant any more licenses for the sale of foreign liquor and that they will try to reduce the number of existing licenses on the earliest opportunity ?

The Honourable Mr. G. B. PRADHAN : (a) There are twenty licenses for the sale of foreign liquor in the City of Ahmedabad consisting of seven " off ", four refreshment room, two hotel, four club, one railway refreshment room and two canteen licenses. The number of country liquor licenses is eight.

(b) The policy of Government is well known, and they see no reason to give any further assurances as desired by the Honourable Member.

Mr. B. V. JADHAV : Is it the experience of the Honourable Minister that the country liquor is less liked by the people of Ahmedabad than foreign liquor ?

The Honourable Mr. G. B. PRADHAN : I do not know.

Mr. G. I. PATEL : When liquor shops are closed and refreshment rooms are kept open, do not the Ahmedabad mill labourers go to get costly foreign liquor from refreshment rooms ?

The Honourable Mr. G. B. PRADHAN : I suppose the Ahmedabad people will be the best judges of that. (Laughter.)

## DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE : STAFF

Mr. B. V. JADHAV (Satara District): Will Government be pleased to state—

(a) the present strength of the clerical staff and the gazetted officers in the office of the Director of Public Instruction ;

(b) what was the number of Brahmins and of other advanced communities and of Muhammadans and of Hindu intermediate communities on 1st April 1924 and on the same date in 1927 ;

(c) what was the number of vacancies both permanent and temporary during these three years and how they were filled ;

(d) whether it is a fact that to fill a vacancy for three months a Deccani Brahmin was brought from Karachi ;

(e) is Government aware of a strong spirit of communalism in that office ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Already replied to during the last session.

(b) The number and the classification by castes of gazetted officers (including the Director of Public Instruction) and non-gazetted officers (Assistant Superintendent, clerks and stenographer) in the office of the Director of Public Instruction on 1st April 1924 and 1st April 1927 were as under :—

<i>Gazetted Officers</i>	
1st April 1924	1st April 1927
2 Europeans.	2 Europeans.
1 Hindu Amil.	1 Parsi.
1 Brahmin.	2 Brahmins.
1 Parsi.	1 Indian Christian.
<i>Non-Gazetted Officers</i>	
1st April 1924	1st April 1927
1 Maratha.	1 Kayastha.
33 Brahmins.	37 Brahmins.
1 Prabu.	1 Prabu.
1 Shimpi.	1 Shimpi.
1 Kayastha.	2 Muhammadans.
—	—
37	42

Besides, one Jew and one Muhammadan were officiating in the temporary (leave) vacancies.

(c) A statement showing the number of permanent and temporary vacancies in the non-Gazetted establishment during the three years—from 1st April 1924 to 31st March 1927—and how they were filled is appended. Information relating to vacancies in the Gazetted establishment for the same period is given below :—

(1) The post of Director of Public Instruction fell temporarily vacant twice during the three years when the permanent incumbent proceeded on leave and a European was appointed to officiate in it on both the occasions.

(2) The post of Deputy Director of Public Instruction fell temporarily vacant on four occasions during the years in question. Europeans were appointed to officiate in the post on all the four occasions.

(3) A temporary post of Assistant Director of Public Instruction was sanctioned from 1st March 1926, and a European was appointed to it for one month from 1st March 1926 to 31st March 1926, and a Parsi from 1st April 1926.

(4) A temporary post of an officer on special duty was created in the office of the Director of Public Instruction from 23rd March 1927 for one month and a European was appointed to it.

(5) The post of 1st Superintendent in the office of the Director of Public Instruction fell vacant during the year 1924 (from 10th April 1924 temporarily and permanently thereafter) and a Brahmin was appointed to officiate in it.

(6) A temporary post of Accounts Officer sanctioned for the office of the Director of Public Instruction was first held by a Parsi and then by an Indian Christian.

(d) and (e) Already replied to during the last session.

*Statement showing the number of vacancies both permanent and temporary during the three years from 1st April 1924 to 31st March 1927 and how they were filled*

Grade	Number of vacancies				
	Permanent	How they were filled	Temporary	How they were filled	Remarks
<b>Rs.</b>					
220—10—300	1	It was filled by a Kayastha.	Nil.		
150—5—200	9	7 filled by Brahmins..	24*	15 filled by Brahmins.	*1 not filled.
	2	Muhammaddans.		3 „ Muhammandans.	
				2 „ Indian Christians.	
				1 „ Maratha.	
				1 „ Parsi.	
				1 „ Jew	
105—5—140	8	5 filled by Brahmins .	14*	7 filled by Brahmins.	
	2	„ Muhammandans.		4 „ Muhammandans.	
	1	„ Maratha.		1 „ Maratha.	
				1 „ Telgu Maratha.	
85—5/2—100	2	2 filled by Brahmins ..	11*	5 filled by Brahmins.	
				4 „ Muhammandans.	
				1 „ Maratha.	
30—5/2—30	4	3 filled by Brahmins ..	24*	14 filled by Brahmins.	
	1	„ Muhammandan.		4 „ Muhammandans.	
				2 „ Prabhus.	
				2 „ Tailors.	
				1 „ Maratha.	
110—150	Nil.	....	2*	1 filled by a Brahmin.	



**MOULVI RAFIUDDIN AHMAD :** Is the Honourable Minister aware that both in the year 1924 and in the year 1927, during the last three years, although one Parsi, three Brahmins and one Indian Christian are employed, there has not been a single Mahomedan? Could not that be remedied?

The Honourable Dewan Bahadur **HARILAL D. DESAI :** Appointments are made according to merits and not according to communities.

**MOULVI RAFIUDDIN AHMAD :** The Honourable Minister said last time whether I could give him any instances. I simply want to ask : Is there any reason to find out whether there was any Mahomedan who could be looked for for one of these posts? If the Minister wants the names, I will give the names.

The Honourable Dewan Bahadur **HARILAL D. DESAI :** I have not been able to follow the question.

The Honourable the **PRESIDENT :** What is the question?

**MOULVI RAFIUDDIN AHMAD :** My question is whether the Honourable Minister would see that the rights of the Mahomedans are properly protected.

The Honourable Dewan Bahadur **HARILAL D. DESAI :** I am certainly, as a Minister, expected to look to the rights of everybody, and if any instance is brought to my notice, I will certainly look into it further.

**MOULVI RAFIUDDIN AHMAD :** The Honourable Minister last time asked me whether there was any candidate overlooked. I give him the name of the Inspector in Bombay Mr. Kadri, who is far senior.

The Honourable Dewan Bahadur **HARILAL D. DESAI :** He may be senior; but, however,.....

The Honourable the **PRESIDENT :** I would disallow any question or answer on that, because it is going into the merits of an individual Government Officer.

**MOLVI RAFIUDDIN AHMAD :** Last time I was asked by the Honourable Minister to give him an instance, and, therefore, I brought that instance to his notice.

**Mr. N. E. NAVLE :** Will the Honourable Minister say whether the Government Resolution of 17th September 1925 has been carried out to the satisfaction of the backward classes—I mean the 50 per cent. resolution giving posts to backward classes properly—when these appointments appearing on page 10 have been made by Government?

The Honourable Dewan Bahadur **HARILAL D. DESAI :** That resolution refers to subordinate posts, and I think the Director of Public Instruction always gives consideration while making appointments to the orders of Government?

**Mr. N. E. NAVLE :** Am I to understand that there was no suitable or qualified candidate for appointment from the backward classes?

The Honourable Dewan Bahadur **HARILAL D. DESAI :** Suitable candidates perhaps may not be forthcoming.

Mr. B. V. JADHAV : May I bring to the notice of the Honourable Minister that the number of 33 Brahmins has been increased to 37 ? I refer to page 9.

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, it is.

Mr. B. V. JADHAV : Is that satisfactory ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I think appointments made on the question of merits are always satisfactory.

#### SHELARWADI RAILWAY STATION

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state—

(a) the approximate number of passengers booked to and from Shelarwadi Station on the G. I. P. Railway during the year 1926 ;

(b) the approximate amount realised from the sale of tickets and luggage charges.

(c) whether Shelarwadi is a station for Dehu, a pilgrim centre ;

(d) whether the station has any passenger platforms for up and down trains ;

(e) whether the question of constructing platforms has been under consideration ;

(f) whether the work will be taken in hand under the remodelling scheme for the station ?

The Honourable Mr. J. L. RIEU : (a) The number of passengers booked to and from Shelarwadi was 45,237 and 47,360 respectively for the year ending 31st March 1927.

(b) The amount realized from coaching traffic to and from Shelarwadi was Rs. 35,490 and Rs. 39,548 respectively for the year ending 31st March 1927.

(c) Yes.

(d), (e) and (f) The Honourable Member is referred to the reply given to question No. 1 by Mr. N. R. Gunjal, printed at page 10 of the First List for the Third Session of 1927.

#### CITY POLICE ACT : INJURED ANIMALS

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state—

(a) the date on which the Act of 1926 to amend the Bombay City Police Act of 1902 came into operation ;

(b) the number of cases in which shooting of animals was considered necessary to save them from further pain under section 29A ;

(c) the number of cases in which request was made for permission to remove the animal to a Pinjrapol or Veterinary dispensary, and

(d) the number of cases in which such permission was refused ?

The Honourable Mr. J. E. B. HOTSON : (a) 20th October 1926.

(b) Two.

(c) None.

(d) None.

## EDUCATIONAL SERVICE : OFFICERS IN SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to give the names of permanent and acting officers of the Bombay Educational Service in Sind with their qualifications, period of service and pay on 31st May 1927, and their period of service and pay on the date each was promoted to the Bombay Educational Service ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The required information is contained in the accompanying statement.

No.	Name	Appointment held on 31st May 1927	Qualifications
1	2	3	4
1	Mr. J. G. Bhojwani ..	Head Master, N. J. High School, Karachi (Temporary).	B.A., S.T.C., 1st LL.B.
2	Mr. L. P. Wadhvani ..	Head Master, High School, Hyderabad ..	B.A., S.T.C., Senior.
3	Mr. D. V. Mirchandani ..	Head Master, High School, Shikarpur ..	B.A., S.T.C. ..
4	Mr. S. M. Advani ..	Head Master, High School, Larkana ..	B.A. ..
5	Mr. G. N. Kazi ..	Head Master, Naushahro Madressah and High School. (Services lent to the District Local Board, Larkana, as School Board Administrative Officer from 21st February 1927.)	B.A., 1st LL.B.
5(a)	Mr. N. H. Ramchandani ..	Acting .. ..	B.A. S.T.C.D.
6	Mr. O. H. Ansari ..	Head Master, Mirpurkhas Madressah and High School.	B.A. (Bom), M.A. (Lond.)
7	Mr. K. G. Gidwani ..	Deputy Educational Inspector, Larkana, and Officiating Head Master, High School, Larkana, from 11th May 1927.	B.A., 2nd class, S.T.C.
8	Mr. H. L. Lalwani ..	Deputy Educational Inspector, Nawabshah.	B.A., S.T.C. ..
9	Mr. U. T. Hiranandani ..	Officiating Deputy Educational Inspector, Thar and Parkar.	B.A., S.T.C. ..
10	Mr. A. A. Shalkh ..	Deputy Educational Inspector, Upper Sind Frontier, lent as School Board Administrative Officer, District Local Board, Karachi.	Matric ..
11	Mr. N. A. Ghulamali ..	Principal, Training College for Men, Hyderabad.	Matric ..
12	Mrs. E. N. Judd ..	Lady Superintendent, Training College for Women, Hyderabad	S.T.C. Junior ..
13	Mr. Md. Ibrahim Md. Kassim Boomro.	Deputy Educational Inspector, Mulla Schools, Sukkur Division. Lent as School Board Administrative Officer, District Local Board, Sukkur	B.A., S.T.C.D.
13(a)	Mr. J. A. Kazi ..	Officiating Deputy Educational Inspector, Mulla Schools, Sukkur Division	Matric. S.T.C. ..
14	Mr. A. R. Faruqi ..	Officiating Deputy Educational Inspector, Mulla Schools, Larkana Division.	B.A., B.T. ..
15	Mr. W. A. Khamisani ..	Officiating Deputy Educational Inspector, Mulla Schools, Hyderabad Division.	B.A., S.T.C.D.
16	Mr. S. D. Contractor ..	Personal Assistant to the Educational Inspector in Sind. Deputed to act as Officiating Educational Inspector in Sind.	B.A. ..
16(a)	Mr. M. M. Bhagchandani ..	Officiating Personal Assistant to the Educational Inspector in Sind.	B.A. 2nd class, S.T.C.D. 1st class

Total service on 31st May 1927	Pay in the B. E. S. on 31st May 1927	Period of service on the date on which he was appointed to B. E. S.	Pay on the date on which promoted to the B. E. S.	Remarks
5	6	7	8	9
Y. m. d.	Rs.	Y. m. d.	Rs.	
27 5 20	770	12 3 20	350	Permanent Deputy Educational Inspector, Karachi, but working as temporary Head Master of the N J High School, Karachi.
26 8 14	470	22 6 16	260	
23 8 26	470	18 1 1	250	
27 9 13	490	22 6 26	260	On leave preparatory to retirement
7 2 8	430	7 2 8	250	Was appointed when Head Master, Naushahro Madressah (a Local Board Institution)
15 4 15	230	14 11 23	180	Since reverted from 9th June 1927
1 6 5	370	1 6 5		Direct appointment. Now doing duty as Head Master, Naushahro Madressah and High School.
30 5 0	770	20 9 8	250	Vice Mr. S. M. Advani on leave preparatory to retirement.
23 5 27	470	16 11 28	200	Doing duty as Deputy Educational Inspector, Thar and Parkar
23 1 26	300	17 1 0	220	In the vacant post. Is on leave from 1st August 1927, and will join his substantive post of the Senior Assistant Deputy Educational Inspector Sukkur, when he returns from leave.
22 1 25	510	10 11 23	250	
12 10 16	450	3 11 16	200	
24 4 20	385	11 11 6	300	
20 7 9	550	6 9 20	300	
11 0 2	200	10 6 24	150 + 30 D. A.	
5 11 11	155	5 10 1	105	
7 6 19	165	7 4 3	115 + 23 D. A.	
23 6 11	770	12 9 24	200	
18 3 6	300	16 7 19	250 + 30 D. A.	

## GOVERNMENT HIGH SCHOOLS : ACCOMMODATION

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state the total number of pupils in each Government High School, the total area of seating accommodation in all the rooms used as class rooms in the school and the minimum area per pupil prescribed by the Education Department for private schools?

The Honourable Dewan Bahadur HARILAL D. DESAI: The accompanying statement gives the information required.

*Statement showing accommodation in Government High Schools*

Name of School	No. of pupils	Total area of seating accommodation	Area per pupil in each Government High School	Area per pupil fixed for private schools	Remarks
		(Sq. ft.)	(Sq. ft.)		
<i>Bombay Division</i>					
1 Elphinstone High School, Bombay.	940	20,540	21.9	12 Sq. ft.	
2 High School, Naik ..	564	9,724	17.2	"	
3 Do. Ratnagiri ..	276	3,904	14.1	"	
4 B. J. High School, Thana ..	326	4,449	13.6	"	
<i>Central Division</i>					
5 Anglo-Urdu High School, Poona.	185	3,500	18.9	"	
6 High School, Satara ..	468	19,657	42	"	
7 G. B. High School, Jalgaon.	359	5,660	15.8	"	
8 Northcote High School, Sholapur.	432	5,650	13.2	"	
9 Garud High School, Dhulla.	422	5,544	13.1	"	
<i>Northern Division</i>					
10 R. C. High School, Ahmedabad.	300	4,110	13.7	"	
11 High School, Nadlad ..	293	3,954	13.5	"	
12 Telang High School, Godhra	237	3,578	15.1	"	
13 R. S. Dalal High School, Broach.	384	5,080	13.2	"	
14 Sorabji J. J. High School, Surat.	274	4,416	16.1	"	
15 Middle School, Ahmedabad.	204	4,078	20	"	
16 Do. Surat ..	225	3,156	14	"	
17 Girls' High School, Ahmedabad.	169	2,477	14.7	"	
<i>Southern Division</i>					
18 High School, Dharwar ..	335	4,320	12.9	"	
19 Sardar High School, Belgaum.	464	6,840	14.7	"	
20 High School, Bijapur ..	377	6,537	17.3	"	
21 Do. Karwar ..	304	4,190	13.8	"	
22 Anglo-Urdu High School, Hubli.	178	2,320	13.0	"	
<i>Sind</i>					
23 N. J. High School, Karachi.	1,045	13,056	12.5	"	
24 High School, Hyderabad ..	369	3,856	10.5*	"	
25 Do. Larkana ..	431	7,280	16.9	"	
26 Do. Shikarpur ..	283	3,560	12.5	"	
27 Naushahro Madressah and High School.	194	2,577	13.3	"	
28 High School, Mirpurkhas ..	171	1,621	9.5†	"	

\* The question of erecting a new school building for the Hyderabad High School is under consideration, but no decision has yet been arrived at.

† The question of erecting a new school building for the Mirpurkhas Madressah and High School is under consideration, but no decision has yet been arrived at.

**Mr. JAIRAMDAS DOULATRAM :** Is Government aware that a private high school in Hyderabad has built up a large endowment fund for a new building but the question of actual construction of a building is still under consideration, and yet in the case of this school the minimum requirement of 12 feet is insisted on, though in the case of Government high school in Hyderabad it is not insisted on ?

**The Honourable Dewan Bahadur HARILAL D. DESAI :** Which is the number of the school the honourable member is referring to ?

**Mr. JAIRAMDAS DOULATRAM :** I am referring to schools Nos. 24 and 28 which are not private schools, and in which cases the minimum requirement of 12 feet is not insisted on.

**The Honourable Dewan Bahadur HARILAL D. DESAI :** The general orders are with regard to these schools that there should be a space of 12 feet for every pupil.

**Mr. JAIRAMDAS DOULATRAM :** But in this case the question of a new building is under consideration.

**The Honourable Dewan Bahadur HARILAL D. DESAI :** I would like to know from the honourable member whether after the resolution was passed any action has been taken against school No. 28 in pursuance of these orders.

**Mr. JAIRAMDAS DOULATRAM :** I do not know. No. 28 is a Government school.

**Mr. J. C. SWAMINARAYAN :** If the limit of 12 sq. feet is not insisted upon in the case of schools Nos. 28 and 24, why do Government impose such a limit in the case of private schools ?

**The Honourable Dewan Bahadur HARILAL D. DESAI :** Because ordinarily private schools are accommodated in rented buildings and the light and ventilation in those buildings are not as satisfactory as in Government buildings.

#### CIVIL COURTS : SATARA DISTRICT : STAFF

**Dr. P. G. SOLANKI** on behalf of **Mr. S. C. JOSHI :** Will Government be pleased to state—

(a) whether it is a fact that in 1922 the reduced staff attached to the Civil Courts in the Satara District was just sufficient to meet the pressure of work in the different courts at that time ;

(b) whether in spite of the admitted increase in the work in the several Civil Courts in the Satara District, Government are not prepared to proportionately increase the staff ;

(c) the reasons which have actuated them to say that the staff is too large to do the work ;

(d) whether Government are prepared to re-consider the question of reduction in the staff attached to the Civil Courts in the Satara District ?

**The Honourable Mr. J. E. B. HOTSON :** The question of the clerical staff required for the Satara District is still under consideration.

## LINKED COURTS

Dr. P. G. SOLANKI on behalf of Mr. S. C. JOSHI : Will Government be pleased to state—

(a) whether their attention has been drawn to a letter published in the issue of the *Indian Daily Mail* dated the 20th July 1927 regarding the abolition of linked Courts under the signature of Mr. G. K. Tatke;

(b) what action they have so far taken or propose to take in the matter?

The Honourable Mr. J. E. B. HOTSON : (a) Government had not seen the letter in question until their attention was invited to it by the Honourable Member.

(b) The matter is under consideration.

## PROHIBITION : SATARA DISTRICT

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state whether they intend to adopt as an experimental measure the principle of total prohibition in the Satara District, the consumption of liquor in which is the smallest, as leading towards the goal of total prohibition in this province, on the lines followed in parts of Madras and Central Provinces?

The Honourable Mr. G. B. PRADHAN : Government are unable to make any statement on the subject at the present time.

Mr. G. I. PATEL : Then who gave out the information that appeared in the newspapers?

The Honourable Mr. G. B. PRADHAN : I do not know. I had discussed the matter only with the honourable members Rao Bahadur Kale and Mr. Jadhav, and one of the two must have given that out to the press.

Mr. B. V. JADHAV : I did not give it out.

FOREST GRIEVANCES ENQUIRY COMMITTEE REPORT : YELLAPUR  
CONFERENCE

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether they are aware that the non-official members of the Forest Grievances Committee of 1925 had appended to their report a copy of the proceedings of the conference held on 18th May 1919 at Yellapur between the Collector of Kanara and two responsible forest officers in regard to forest grievances of the district;

(b) if so, why that has not been printed as an appendix to their report in part No. 1 or 2 of the published report of the committee?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) It was not printed with the report owing to an oversight. Steps have now been taken to publish it as an appendix to the Report.

Mr. M. D. KARKI : When will the printing work of the appendix be over?

The Honourable Mr. G. B. PRADHAN : As soon as possible.



Mr. M. D. KARKI : Does he intend to send the printed appendix to those to whom the report has been sent ?

The Honourable Mr. G. B. PRADHAN : Yes, probably.

#### FOREST GRIEVANCES ENQUIRY COMMITTEE'S REPORT

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether they are aware that both the press and people of Kanara have disapproved the orders passed by them on the recommendations of the Forest Grievances Enquiry Committee of 1925 ;

(b) whether they are aware that there is keen discontent and irritation amongst the agriculturists of the district on account of the said disappointing and unsatisfactory order of Government in the matter of their (agriculturists') forest grievances ?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) No.

Mr. M. D. KARKI : Was any information called for from the local officials in regard to the matter contained in the question, namely, in parts (a) and (b) ?

The Honourable Mr. G. B. PRADHAN : As regards certain matters information is called for from local officials about issuing of licenses for fire-arms, etc., and as regards giving proprietary right over betta land, the reports are not yet received.

Mr. M. D. KARKI : I wish to know whether any report was called for particularly with reference to the parts (a) and (b) as specifically mentioned in my question.

The Honourable Mr. G. B. PRADHAN : I must have notice.

#### KARNATAK UNIFICATION

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether they are aware that there is a strong agitation both in the Press and on the platform in the Bombay Karnatak for creating a new province for the Karnatak on linguistic basis uniting the Kannada-speaking parts of the Bombay and Madras Presidencies and Coorg ;

(b) whether they are also aware that resolutions after resolutions were tabled both in the last and present Council by the Legislative Council members from Karnatak ;

(c) if so, whether they have made any enquiries in the matter or called for information on the subject ;

(d) if so, what has been the result either of their enquiry or the information called for ;

(e) if no, why ;

(f) whether they intend to move the Government of India in view of the fact that there is a great agitation and intense desire in the Karnatak regarding the unification of the Kannada-speaking parts in British India into one province ?

The Honourable Mr. J. L. RIEU : (a) Government are aware that such a proposal is under discussion in the Press and elsewhere, but they have no knowledge that a strong agitation is proceeding on the subject.

- (b) Yes.
- (c) No.
- (d) Does not arise.
- (e) Government do not consider that there is any necessity to do this.
- (f) No.

#### TAGAVI ADVANCES TO FLOOD-STRICKEN PEOPLE, KANARA

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(1) the total amount of tagavi advanced to the people who suffered from the floods in the river Sharavati in the year 1924 and the amount which was interest free ;

(2) the respective amounts advanced for the following purposes :—

- (a) reclaiming or improving lands damaged by the floods ;
- (b) building new houses to replace old ones which have been demolished or repairing houses which have been damaged by floods ;
- (c) purchasing seed or bullocks for agricultural purposes ;
- (d) repairing such dams damaged by the floods as belong to the village communities and not to Government ?

The Honourable Sir CHUNILAL MEHTA : Enquiries are being made.

#### ENGLISH CLASS IN THE PRIMARY SCHOOL AT SURBHON, TALUKA BARDOLI

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) whether it is a fact that in the year 1922 at the instance and recommendation of the Educational authorities the District Local Board, Surat, passed a resolution accepting the terms offered by the Educational authorities to open and attach an English class to the primary school at Surbhon, Taluka Bardoli ;

(b) if the reply to (a) is in the affirmative, whether they are aware that no action was taken by the Educational authorities to give effect to their own recommendation ;

(c) whether they are aware that the Educational authorities refused to open the class at Surbhon in spite of the fact that the recommendation of the District Local Board, Surat, was to accept the people's offer to pay two years' expenditure in advance ;

(d) whether it is a fact that the Educational authorities allow the opening of English classes if people offer to pay Rs. 5,000 cash in advance to the District Local Boards ;

(e) if the reply to (d) is in the affirmative, the authority under which this sum is demanded ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) Yes ; please *vide* Press Note No. 605, Educational Department, dated 1st September 1923, a copy of which will be found in the Reading Room of the Legislative Council.

(c) Yes.

(d) and (e) People who were interested in having such a class were only advised to collect a sum the interest on which would suffice to meet the expenses of the class.

Rao Bahadur B. R. NAIK : As regards the reply to (c), have Government issued orders not to open such classes unless people pay Rs. 5,000 cash in advance ? If so, what is the nature of the order ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The orders are that in cases where English classes are opened such classes are entitled to a grant of one-third just as in the case of grants given to secondary schools. Consequently two-thirds of the expenditure may have to be found as long as those classes continue. The Government orders are that those who want to start such classes should put some fund aside in order to meet the expenditure.

Rao Bahadur B. R. NAIK : Am I to take it that the offer of Rs. 5,000 is from Government ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is not from Government.

(Rao Bahadur B. R. Naik asked a supplementary question which was inaudible. Dewan Bahadur Harilal D. Desai's reply was also inaudible).

The Honourable the PRESIDENT : Order, order. I cannot follow the honourable member asking the supplementary question nor the answer.

The Honourable Dewan Bahadur HARILAL D. DESAI : The question was whether an offer was made for two years' expenses, and I answered that there ought to be some provision for the future years and consequently there should be some provision made.

Rao Bahadur B. R. NAIK : Under what orders of Government is this future provision to be made ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Unless there is a separate provision, Government refuse to recognise these classes for grants.

Mr. H. B. SHIVDASANI : Have these classes not been opened as an experimental measure ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes, they are only as an experimental measure.

Mr. H. B. SHIVDASANI : Then, how can Government demand a permanent provision if they are only an experimental measure ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (Inaudible).

Mr. H. B. SHIVDASANI : Have Government decided to make these classes permanent ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

Mr. H. B. SHIVDASANI : In that case how can Government ask that a permanent provision should be made ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The local authorities can make permanent provision if they like.

Mr. H. B. SHIVDASANI : Will Government give two-thirds if the experiment is not successful ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the experiment fails, it would not be recognised for grants.

Mr. H. B. SHIVDASANI : Then, how can Government insist on permanent provision being made for an experimental measure ?

(No reply).

Rao Bahadur B. R. NAIK : Is it a fact that the district local board was asked to take in advance from the people the sum of Rs. 5,000 by the Educational Inspector for this class ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not that I know of. I require notice of that question.

#### HOUSE RENT ALLOWANCE

Mr. N. E. NAVLE (Ahmednagar District) : Will Government be pleased to state—

(a) whether Police Inspectors and Sub-Inspectors are given house-rent in the presidency ;

(b) if so, why similar allowance is not given to Mamlatdars ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) House-rent allowance is paid to Inspectors and Sub-Inspectors of Police in lieu of free quarters, to which they are entitled by the conditions of their service. Mamlatdars are not so entitled.

#### MAMLATDARS : CONVEYANCE ALLOWANCE

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) the amount of monthly allowance paid to Mamlatdars as conveyance allowance ;

(b) whether any representations have been received by Government in this matter for effecting an increase in this allowance ?

The Honourable Mr. J. L. RIEU : (a) Rs. 45 per mensem each.

(b) Yes. The request of the Mamlatdars that their allowance should be increased to Rs. 75 cannot be considered until the existing financial stringency relaxes, as an additional annual expenditure of Rs. 60,000 is involved.

Mr. H. V. PATASKAR : Why cannot the present allowance be increased by a smaller amount ?

The Honourable Mr. J. L. RIEU : Even that would involve a considerable increase in expenditure which Government are not prepared to undertake at the present moment.

#### RAILWAY THEFTS

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased—

(a) to give a list of the cases of railway thefts complained of, recorded and traced along with compensation paid for or claims rejected with grounds for rejection respectively in each of them during each of the years 1926 and 1927 at Ahmedabad, Kankaria and Asarva railway stations ;

(b) to give the names of the culprits suspected or convicted for railway thefts and to say which of them were railway servants, watchmen or railway workmen ?

The Honourable Mr. J. E. B. HOTSON : A statement containing such information as is available is placed on the Council table. The B. B. & C. I. Railway decides whether to pay or to reject the claims for compensation, and enquiries regarding the grounds on which claims were rejected should be addressed to the Agent of that Railway.

*Statement showing the number of railway thefts complained of, detected or undetected, value of goods stolen or recovered and number of persons convicted at Ahmedabad, Kankaria and Asarva during the years 1926, and 1927*

Name of place	Year	No. of cases complained of	No. of cases detected	No. of cases undetected	Value of goods stolen			Value of goods recovered		
					Rs.	a.	p.	Rs.	a.	p.
Ahmedabad	1926	34*	15	16	986	6	6	422	14	3
	1927	8†	3	4	131	8	6	42	8	6
Kankaria	1926	8	1	7	133	5	0	5	8	0
	1927	4‡	2	..	60	6	0	6	4	0
Asarva	1926	5§	2	2	32	12	9	5	12	9
	1927	2	1	1	272	0	0	7	0	0

Name of place	Year	No. of persons convicted				Claims paid			Claims repu- diated	
		Railway servants	Watchmen	Loaders	Outsiders	Number	Amount			
							Rs.	a.		p.
Ahmedabad	1926	1	2	4	14	12	691	14	0	4
	1927	..	..	1	2	2	28	6	0	Nil
Kankaria	1926	2	..	..	..	2	14	4	0	1
	1927	..	..	1	1	Nil	Nil			Nil
Asarva	1926	..	..	3	..	1	36	9	0	Nil
	1927	..	..	..	¶	Nil	Nil			1

\* Two cases were not investigated in view of section 157 (1) (b) of the Code of Criminal Procedure and one was classed "C."

† One case is pending with police.

‡ One case is pending with Magistrate and another with police.

§ One case was classed "C."

¶ Outsiders convicted but the number is not available.

Mr. G. I. PATEL : Why is no reply given to the latter part of my question (b) ?

The Honourable Mr. J. E. B. HOTSON : I think the honourable member is mistaken. The latter half of the statement does give the information.

#### SECRETARIES TO GOVERNMENT : PAYMENTS

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) in their respective order the number of Secretaries, Assistant Secretaries, Joint Secretaries, Acting Assistant Secretaries, Junior Assistant Secretaries, Senior Assistant Secretaries to Government ;

(b) the total payments made to them in the years 1914, 1916 and 1927 respectively ;

(c) whether they intend to reduce the number and designations of these incumbents for effecting retrenchment ?

The Honourable Sir CHUNILAL MEHTA : (a) and (b) A statement furnishing the information is placed on the Council table.

(c) Three Deputy Secretaryships have been converted into Under Secretaryships. One post of Junior Assistant Secretary has been abolished. The question of further reducing the number of Assistant Secretaries is under consideration.

	1914		1916		1927	
	Number	Total payments*	Number	Total payments*	Number	Total payments* (From January to June 1927)
		Rs.		Rs.		Rs.
Chief Secretary ..	1	46,666	1	46,666	1	22,500
Secretaries ..	4	1,39,242	4	1,38,059	7†	1,33,896
Joint Secretaries	1	34,790	1	34,060	2†	28,196
Deputy Secretaries.	2‡	17,553	2	46,076	6†	89,561
Under Secretaries.	5	53,458	4	50,045	3	28,276
Senior Assistant Secretaries.	2	18,564	2	18,910	4	21,670
Junior Assistant Secretaries.	2	14,096	2	15,828	3	15,851
Assistant Secretaries.	4	30,699	4	34,844	5†	28,643
Acting Assistant Secretaries.	4	6,247	2	1,902	5†	9,240

\* Exclusive of Travelling allowance.

† Including 1 temporary appointment in the Development Department.

‡ Includes 1 appointment for five months.

Mr. G. I. PATEL : How much amount is expected to be saved in case the proposal of reducing the number of assistant secretaries which is under consideration is carried out ?

The Honourable Sir CHUNILAL MEHTA : I am unable to say at present.

Mr. G. I. PATEL : Can the Honourable the Finance Member give me an approximate idea of the amount of savings likely to be effected ?

The Honourable Sir CHUNILAL MEHTA : I am afraid I cannot.

#### HEALTH OFFICERS

Mr. J. R. PATEL (Kaira District) : Will Government be pleased to state what decision they have arrived at regarding the question of appointing District Health Officers ?

The Honourable Sir GHULAM HUSSAIN : The question of the compulsory appointment of health officers by district local boards is under the consideration of Government.

Mr. H. J. AMIN : How long has it been under consideration ?

The Honourable Sir GHULAM HUSSAIN : For about 1½ or 2 years.

Mr. H. J. AMIN : How long still will it take to get the question decided ?

The Honourable Sir GHULAM HUSSAIN : We have to consider the opinions of various district local boards as well as the financial aspect of the whole question. That must take some time.

#### EXCISE AUCTIONS : APPLICATION OF REVENUES

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE on behalf of Mr. HOOLENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased—

(a) to state whether they had issued a press note, notification or resolution at the time when the system of auctioning liquor licenses was introduced in 1916-17 to the effect that the extra revenue derived would be utilised for education, public health and medical relief ;

(b) if so, to lay a copy of the same on the table ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) Copies of Press Notes No. 15080 dated 13th December 1917 in the Revenue Department and No. 6170 dated 4th September 1918 in the General Department are placed on the Council Table. The system of allocating surplus excise revenue for specific purposes ceased from 1st April 1921 as stated in the concluding portion of the memorandum by the Finance Member on the Revised Financial Statement for the year 1920-21.

#### PRESS NOTE

*Modification in the method of disposal of the right of retail vend of country spirit in the Bombay Presidency*

The Governor in Council has had occasion to review the system under which the right of retail sale of country spirit is decided, and after careful and anxious consideration he has come to the conclusion that a change is necessary in the interests of the general administration.

2. The system at present generally in force of separate shops with a fixed fee assessed on the sales of the previous year, and renewal from year to year to the same holder, provided his management was good, was based upon the existence and observance of a maximum

selling-price, and on the selling of full measure within the maximum price fixed. It was assumed that the licensee would not exceed this price and that he would sell full measure; in other words honest trading was postulated. The experience of the actual working of the system has however conclusively proved that these assumptions were not justified. A large majority of officers are of opinion that it is most difficult to enforce the maximum selling-price and that it is generally disregarded, either by price above the maximum being taken or by the giving of short measure (commonly known as *kasur*). This *kasur* is variously estimated at from 10 to 20 per cent. on the quantity sold. It thus affords to the shopkeepers a source of profit which is not taken into consideration when the vend fee is calculated under the system now in force and which in the aggregate amounts to a very large sum yearly. Convictions for selling short measure are most difficult to detect, apart from the strong inducements which the profits of the custom enable the shopkeepers to offer to the Excise staff to overlook it.

3. The most serious drawback of the fixed-fee system is that the very large profit thus made by the licensee forms a fund for the bribery of the subordinate Excise staff. The shopkeepers have more to bribe for and far larger sums with which to bribe. The fact that the shopkeepers have more to bribe for is due to the comparative fixity of their tenure. The license remains in the hands of the same man until any misconduct is brought to notice. It is obvious that in the great majority of cases such misconduct can only be discovered by the Excise staff who are appointed for that very purpose. If the Excise subordinates can be tempted to shut their eyes to malpractices, the licensee remains undisturbed in his shop whatever his behaviour may be.

4. The extent to which the corruption may extend has been proved by recent investigations in one district where most of the staff were found guilty of receiving illegal gratifications. The system had been acquired in by the shopkeepers without complaint. They were perfectly willing to make the payments so long as these did not exceed a certain proportion and the practice was brought to light only when the demands began to be exorbitant. There is no reason to believe that this particular district is singular in the existence of such practices.

5. It may be said that the remedy for this state of affairs is the improvement in the staff of the Excise Department. Government fully recognise the necessity for a good class of men and will constantly endeavour to improve the existing staff. One important step in this direction has already been taken by the amalgamation of the Salt and Excise Departments and the creation of a grade of Deputy Commissioners of Salt and Excise with the special object of securing better supervision over the subordinate staff. No amount of supervision by superior officers however will put an end to the prevailing corruption so long as the existing method of disposal of licenses continues. Recent investigations have shown that even men with respectable family connections whose immediate relatives have done well in other departments succumb to the temptations placed in their way. It is not fair to the excise staff themselves that the shopkeepers should have such ample means and such ample inducement to bribe them.

6. The best way of putting an end to the existing unsatisfactory state of affairs is to curtail the bribery fund and at the same time to reduce the inducement to the shopkeeper to give bribes. The latter object can be to a large extent secured by making the shopkeeper less dependent on the good will of the excise subordinates. If the maximum selling-price, which is not in force in Bombay City nor in the Madras Presidency, and as already stated is not really adhered to in practice, is abolished, a powerful weapon in the hands of the excise staff to extort bribes will be taken away. If, however, the renewal of a license still depends on the favourable report of the excise subordinate, the shopkeeper will consider it worth his while to placate him and a continuity of tenure dependent on such report must therefore be avoided.

7. For the reasons given above Government have decided to abolish with effect from 1st April 1918 the maximum selling-price except where it is necessary, in the entire absence of competition, to prevent either extravagant prices being demanded or recourse being had to illicit distillation by persons who would go to shops if they could get their liquor there at a reasonable price. In shops near the borders of Native States fixed prices will be maintained in agreement with the administrations of these States. In such neighbourhoods the complaints of other shopkeepers or of the States concerned constitute a valuable auxiliary to the Excise Department in bringing malpractices to notice.

8. The abolition of the maximum selling price, subject to the reservations mentioned, renders it impossible to continue the fixed-fee system in its present form since there is no basis on which the vend fee could be calculated. Government have considered whether any other system short of auctions could be adopted. Restricted auction has been previously tried under which an upset price is calculated and bids are stopped when they reach a figure of 25 per cent. above this upset price. This system, however, has proved unsatisfactory in practice. Practically all the bidders will bid the upset price plus 25



per cent. and the system again becomes one of selection which has been found open to serious objection in the past. The system of sealed tenders has also been considered. This is open to the objection that collusion is facilitated and rendered difficult to check, while if there is no collusion the tenders are more speculative than in an open auction. The advisability of trying this system in any special cases which the Commissioner or the Collector may bring to notice will however be borne in mind.

9. Government have therefore decided that auctions should be held in Bombay City, in other cities of the Presidency proper and in headquarter towns of districts or in other places where there are three shops within a reasonably small area. In other areas the system of giving out the license on a vend fee fixed by the Collector will be maintained. Auctions will be for a triennial period so as to allow of an average consumption over varying seasons without being long enough to create any fixity of tenure. Care will be taken to prevent the formation of combinations and to exclude bad characters from bidding. Measures will be adopted to see that no attempt is made to work up auction prices and any tendency unduly to push sales will be checked. As regards the latter there is no reason to believe that the consumption will be any greater than it has been or would be under the fixed-fee system, as it is generally agreed by those in a position to judge that the method of vend has no great influence on the quantity sold, which depends much more largely upon the price of liquor, the year's crops, the industrial conditions and other circumstances. If anything the consumption should be reduced, as it may be anticipated that the price of liquor will increase.

10. Government adhere to the principle that the still-head duty is the soundest means of taxation, and that it should be fixed at the largest sum that can be safely and uniformly taken. The abandonment of the maximum selling-price will allow prices of liquor to adjust themselves by the ordinary laws of supply and demand. A considerable difference between average retail prices and the still-head duty will be the best indication that the latter can safely be raised.

11. With the abolition of the maximum selling-price it will no longer be the duty of Excise Inspectors or Sub-Inspectors to interfere with high prices or short measures except where fraudulent methods are adopted or practised. The proper measures must be maintained in the correct form in the shops and the quantity demanded by the consumer must be supplied, but the price will be fixed by the shopkeeper. It will still be the duty of the subordinate staff to prevent the adulteration of the liquor sold and the sale of illicit liquor within the shops. Outside the shops the staff will continue to prevent the manufacture and sale of illicit liquor.

12. As the change in the method of disposal of shop licenses has not been dictated by considerations of securing additional revenue for any purpose of Government, Government have decided that any extra receipts that may be realized from the change should be earmarked and allotted by Government for local purposes such as the promotion of primary education and sanitary improvements and other matters of local administration. Any difference between the receipts under the system as now ordered and the vend fees at present received will accordingly be earmarked for these purposes. This will not however interfere with the right of Government to increase the still head duty even if such increase shall decrease the amount of vend fee realised.

13. The changes in the method of disposal of country spirit vend licenses mentioned above will also be made applicable to Sind where the fixed-fee system, though long in operation, is proving unsatisfactory. Auctions will be held in the city of Karachi and in the towns of Hyderabad, Shikarpur, Sukkur and Larkana.

14. The Governor in Council believes that the changes now decided on will effect a much needed improvement. They are not innovations in the Excise Administration as the system has been in operation for years in other provinces, notably the Madras Presidency. They will remove a source of demoralisation from the Excise Department. They may diminish the profits of licensees: but these profits as at present earned are not the result of any legitimate skill or ability. These undue profits will, it may be hoped, be diverted into sources immediately beneficial to the general public.

No 15080 of 1917

REVENUE DEPARTMENT  
Bombay Castle, 13th December 1917

Forwarded to—

The Commissioner in Sind (with a request that the Press Note may be translated into Sindhi and that printed copies of the translation may be distributed to Editors of Sindhi newspapers in the province),  
The Commissioner of Customs, Salt and Excise,

The Commissioners of Divisions,  
The Collector of Bombay,  
All Collectors, including the Collectors in Sind and the Deputy Commissioner, Upper Sind Frontier,  
The Director of Public Instruction,  
The Municipal Commissioner for the City of Bombay,

The Surgeon General with the Government of Bombay,  
 The Sanitary Board,  
 The Sanitary Commissioner for the Government of Bombay,  
 The Sanitary Engineer to Government,  
 The Political Department of the Secretariat,  
 The General Department of the Secretariat,  
 The Educational Department of the Secretariat,  
 The Financial Department of the Secretariat,  
 The Public Works Department of the Secretariat,  
 The Editors' Tables and Editors of Newspapers,

All Registered Libraries,  
 The Oriental Translator to Government (with a request that the Press Note may be translated into Gujarati, Marathi and Kanarese and that printed copies of the translations may be distributed to the Editors of vernacular newspapers in the Presidency proper including the Town and Island of Bombay),  
 The Political Agent, Savantvadi,  
 The Separate Department of the Secretariat (for the Reading Room for the Members of the Legislative Council),  
 The Non-official Members of the Legislative Council.

(Signed) A. F. L. BRAYNE,  
 Under Secretary to Government.

#### PRESS NOTE

In Government Resolution no. 15079, Revenue Department, dated the 13th December 1917, Government issued orders making certain modifications in the method of disposal of the right of retail vend of country spirit in the Bombay Presidency. In paragraph 14 of that Resolution they expressed their desire that any extra profits that might be realized from the change of system should be devoted to the promotion of primary education or to sanitary or other improvements of local administration and were pleased to direct that any difference between the receipts under the system of auction or under the fixed fees as then ordered and the vend fees then received, should be earmarked for those purposes. They accordingly appointed a committee in February 1918 for the purpose of considering the most effective method of distributing the excess revenue so derived. The accompanying report has now been received from the committee. The Governor in Council is pleased to approve of the recommendations made by the committee and early steps are being taken to give effect to them.

No. 6170

GENERAL DEPARTMENT.

Bombay Castle, 4th September 1918

Forwarded to—

The Commissioner in Sind (with a request that the Press Note may be published in the *Sind Official Gazette* and that printed copies of the translation of it into Sindhi may be distributed to the Editors of Sindhi newspapers in Sind),  
 The Commissioner, Northern Division,  
 The Commissioner, Central Division,  
 The Commissioner, Southern Division,  
 The Surgeon General with the Government of Bombay,  
 The Sanitary Commissioner for the Government of Bombay,  
 The Director of Public Instruction,  
 All Collectors, including the Deputy Commissioner, Upper Sind Frontier,  
 The Oriental Translator to Government (with a request that the Press Note may be translated into Marathi, Gujarati and Kanarese and that printed copies of the translations may be distributed to the Editors of the Vernacular newspapers in those languages in the Presidency proper, including the town and island of Bombay),

The Editors' Tables and Editors of Newspapers,  
 All Registered Libraries,  
 The Superintendent of Government Printing, Bombay,  
 The Manager, Government Central Press,  
 The Separate Department of the Secretariat (for the reading room for the members of the Legislative Council),  
 The non-official members of the Legislative Council,  
 The Revenue Department,  
 The Educational Department,  
 The Financial Department,  
 The Public Works Department.

(Signed) G. A. THOMAS,  
 Secretary to Government.

*Report of the Committee appointed by Government to consider the most effective method of distributing the excess revenue derived by the change of system in the disposal of retail vend of country spirit*

We, the undersigned members of the above-mentioned committee, have the honour to submit for the consideration of Government the following report:—

2. Our committee met on three occasions only, once under the chairmanship of the Honourable Mr. Curtis, C.S.I., I.C.S., whose place on the committee was subsequently taken by the Honourable Sir James DuBoulay, K.C.I.E., C.S.I., I.C.S., and twice under the chairmanship of the Honourable Sir Ibrahim Rahimtoola, C.I.E. On the first occasion all the original members of the committee were present, on the second and third occasions the only absentee was the Honourable Mr. Harchandrai Vishindas, C.I.E., while the Commissioners in Sind and the Commissioners. C.D. and S.D., who were added to the committee subsequently to its first meeting, were also present.

3. On the 15th March, the date of the first meeting, only a few preliminary questions were discussed, as it was not known on that occasion how much money would be available for expenditure and the members of the committee, with a very few exceptions, had not had time to think out any definite schemes. Several members however expressed the opinion that there were many useful objects of expenditure that were not covered by the terms of paragraph 14 of Government Resolution, Revenue Department, no. 15079, dated the 13th December 1917, which restricted the allocation of the excess profits realised by the change of system 'to the promotion of primary education or to sanitary or other improvements of local administration.' No formal resolution was moved at this preliminary meeting, but it was decided that the meeting should be adjourned until it could be ascertained approximately what the extra profits would be and members were asked by the chairman to send in to the Secretary, General Department, as soon as possible a list of objects of expenditure. These lists\* have been consolidated and are appended to this report in four statements.

4. The second and third meetings of the committee were held on June the 10th and 11th. On these occasions the committee were informed that although exact returns had not yet been received from the several districts showing the amount of extra profits to be realised, a conservative estimate for each of the three years following the change of system put the figure at Rs. 45 lakhs, while it was calculated that after the first triennium, on the conclusion of which the shops would be again put up to auction at least a third of the excess revenue realised during the first triennium could be counted upon. In view of this uncertainty the committee decided that the wiser course would be not to make any attempt to earmark particular sums of money for specific purposes, but to lay down in general terms what they thought might be suggested to Government as the proportionate claims of major heads of expenditure in percentages. It was however assumed as a rough basis for calculation that a recurring expenditure of about Rs. 15 lakhs could safely be relied upon permanently and a non-recurring expenditure of about twice that amount for the first three years only.

5. It was also explained by the chairman that the Governor in Council had decided that the committee in making its recommendations should confine itself to the purposes already defined in paragraph 14 of Government Resolution no. 15079, dated the 13th December 1917, quoted above in paragraph 3 of this report. In these circumstances many items in the lists submitted by the various members of the committee were automatically ruled out of order. It was however the opinion of the committee that the word "Sanitary" included "public health" and "medical relief" and their recommendations are based on that assumption.

6. As regards the principle of distribution the large majority of the committee were opposed to a suggestion that it should be on a basis of the territorial units of administration and held that the bulk of the revenue should be devoted to primary education, the balance being distributed among the other major heads. Accordingly the following resolutions were passed:—

I. That this committee recommend that 75 per cent. of the recurring revenue from the excess profits be devoted to the five following objects, viz:—

- (i) The opening of new schools in rural areas.
- (ii) The encouragement of free and compulsory primary education in municipal areas throughout the presidency, including the city of Bombay, provided it is decided by Government that they should contribute towards this object in that city.
- (iii) The increase of the pay of primary school teachers.
- (iv) The provision of special facilities for the primary education of the backward classes.
- (v) The training of primary school teachers.

II. That this committee recommend that 50 per cent. of the non-recurring revenue from the excess profits be devoted during the next three years to the three following objects, viz. :—

- (i) Building grants for primary schools.
- (ii) Building and equipment of training schools for primary school teachers.
- (iii) Grain compensation for primary school teachers.

III. That this committee recommend that the balance of the revenue from excess profits, both recurring and non-recurring, be spent on objects of sanitation (including water-supply) and medical relief.

7. With reference to the third recommendation it was the opinion of the committee that it should be left to Government to decide, on the recommendation of the Surgeon General and Sanitary Commissioner, upon what precise objects the available funds could be most suitably expended, but the hope was expressed that it would be found possible to devote substantial funds in particular to the provision of maternity homes and the improvement of sanitary conditions in pilgrim centres."

#### TURF CLUB : ENTRANCE FEE COLLECTIONS

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state the total amount realised by the Turf Club in entrance fees excluding Entertainments Tax—

- (a) in the last year during which the tax was 50 per cent.
- (b) in the first year in which the tax was reduced to 25 per cent. ?

The Honourable Mr. J. E. B. HOTSON :

(a) Rs. 7,47,958-0-0.

(b) Rs. 9,54,631-8-0.

#### FOREIGN LIQUOR LICENSE, JUHU

Mr. HOOSFINPHOY ABDULLABHOY LALLJEE on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

- (a) when a license for the sale of foreign liquor at Juhu was granted ;
- (b) whether it is a fact that—

(1) several representations were made to the Suburban Officer against the grant of the license ;

(2) the advisory committee unanimously voted against the grant of the license ;

(3) the members of the advisory committee were appointed on the recommendation of the Suburban Collector and they enjoyed his confidence ;

(4) in spite of the representations against the grant of the license and the unanimous opposition of the advisory committee, the Suburban Collector in defiance of the sentiments of the people recommended the grant of the license ;

(5) Juhu is still undeveloped ;

(6) a beginning has been made in the development of the island by private owners ;

(7) the Collector and District Magistrate is also the Suburban Development Officer ;

(8) there is no pucca or cutcha road leading to the restaurant ;

(9) at public meetings held at Juhu of landowners and residents, protests were made against the grant of license for the sale of foreign liquor ;

- (10) a counter-opposition has been made by certain Europeans ;
- (11) those Europeans do not belong to Juhu ;
- (12) they do not own a single inch of land at Juhu ;
- (13) Juhu is getting popular as a pleasure resort ;
- (14) the reason why the Collector recommended the grant of the license is that Juhu is getting popular ;
- (15) the Suburban Collector has defied the will of the landowners and of the people in order to accede to the request of outsiders who have nothing to do with the island of Juhu ;
- (16) there is no building built for a hotel ;
- (17) the Collector has allowed the construction of a tin-shed to be used as a hotel and a restaurant ; if so, what are the dimensions of the tin-shed and how many people stay therein ;
- (18) whether it is the intention of the Suburban Development Officer to allow this tin-shed to be used as a permanent hotel and restaurant ?

The Honourable Mr. G. B. PRADHAN : A copy of the report submitted by the Commissioner of Excise is placed on the Council Table. The question whether the license should be continued or not is under the consideration of Government.

*Foreign liquor license.*

Juhu, Bombay Suburban District  
Grant of a — at,

No. 49.19/27.

Bombay, 28th May 1927.

#### Memorandum.

The Commissioner of Excise presents compliments and, with reference to Government endorsement No. S.—28-8869-C of the 14th May 1927, on the subject noted above, has the honour to state that, on the recommendation of the Excise Advisory Committee, concurred in by the Collector, a Refreshment Room license was given to one Mr. Vadiwalla at Juhu, in December 1924. The license was first sanctioned for a period of 8½ months only, from 1st April to the middle of June and from the 1st October to the end of March, as Juhu is not much frequented during the monsoons. The Refreshment Room was also restricted to the exclusive sale of beer and stout, as it was reported that malt liquors only were in much demand.

2. In September 1926, the Collector, Bombay Suburban District, recommended that Mr. Vadiwalla's license at Juhu should be sanctioned for the full year and that the licensee should be allowed to sell wines and spirits as well. As there is very little business during the monsoons, the Commissioner did not extend the period of the license. The restriction as regards the exclusive sale of beer and stout was however removed and the licensee, like all other Refreshment Room licensees, was allowed to sell wines, spirits and malt liquors. The Excise Advisory Committee were not in favour of allowing the sale of wines and spirits, but as the Collector reported that there was a considerable demand for these drinks at Juhu, from the rapidly increasing number of visitors, who were mostly of the superior class, the Commissioner overruled the objection of the Excise Advisory Committee.

3. In April last, the Collector again recommended that the Juhu Refreshment Room license should be issued for the full year. The licensee wanted to keep the restaurant open throughout the monsoons since he had shifted from the tent he was formerly occupying to a "pucca" building. Many people drive to Juhu even during the monsoon, as soon as the weather clears up a little, and their need for refreshments and drinks is obvious if caught in a downpour of rain. It was therefore pointed out that there was a genuine demand for liquor throughout the year at Juhu. The Commissioner accordingly accepted the Collector's recommendation and sanctioned Mr. Vadiwalla's Refreshment Room license for the full year.

4. The protest, on behalf of the landowners of Juhu, against the sale of wines and spirits at the Juhu restaurant does not appear to be based on valid reasons. The Juhu

restaurant has been selling beer since 1924 and there has been no complaint from the public regarding the Refreshment Room being a nuisance. The grant of permission to sell wines and spirits does not make it any more a nuisance than before. The Refreshment Room caters chiefly to Europeans and high class Indians and meets a genuine demand for foreign liquor. It adds to the amenities of Juhu as a bathing place for the citizens of Bombay.

5. The Commissioner is personally against the grant of a new license unless absolutely necessary. In the case of Juhu which is steadily growing in popularity, there was a genuine and urgent demand. The Commissioner has however warned the licensee that if there is any abuse, the license will be cancelled at once.

(Signed) J. GHOSAL,  
Commissioner of Excise,

To

The Deputy Secretary to Government,  
Revenue Department,  
Bombay.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : How long will it be before it is decided ?

The Honourable Mr. G. B. PRADHAN : The people want the Minister to visit the place in the beginning of November and after the place is visited and local opinion is consulted, the question will be decided.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : May we expect a decision in December ?

The Honourable Mr. G. B. PRADHAN : I cannot tell you, but in November I am called there.

(Dr GILDER asked supplementary questions which were inaudible at the reporters' table. The Honourable Mr. G. B. PRADHAN'S replies were also inaudible.)

#### ROAD AT MUDI MONDAL MOSQUE

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division) : Will Government be pleased—

(a) to state whether they are aware that the width of the road in front of the plinth of the mosque at Mudi Mondal in the Amalner taluka, East Khandesh, demolished by the order of the Commissioner, was sufficiently wide ;

(b) to place on the table a sketch map with measurements of the road and the open site in front of the above-said demolished plinth and also of the area occupied by the plinth demolished by the Commissioner ;

(c) to state whether they are aware that the order of the Commissioner has wounded the religious susceptibilities of the Mahomedan population of Mudi Mondal and of the East and West Khandesh districts ;

(d) to state the right of the Hindus which was being infringed by allowing the plinth to stand ?

The Honourable Mr. J. L. RIEU : (a) The encroachment which was removed involved a diminution of the width of the road at a certain point and was for this reason objectionable.

(b) Government regret that they are not prepared to do this.

(c) The encroachment did not constitute an infringement of the rights special to any particular section of the community, but it was an infringement of the rights of Government as the custodians of those of the general public.

(d) The plinth was a deliberate encroachment and as such was ordered to be removed.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF : Is Government aware that the width of the road where the plinth has been demolished is greater than any other part of the road ?

The Honourable Mr. J. L. RIEU : That may be.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF : Why is not a sketch map of the road placed on the Council table ?

The Honourable Mr. J. L. RIEU : I am not prepared to state the reason.

#### ANNEWARI : DHANDHUKA TALUKA

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Mamlatdar of Dhandhuka Taluka in his preparation of annewari estimates ever consulted people or saw vahivat books : if yes, in what villages ;

(b) the days for which he toured in the taluka for annewari and the number of villages he visited for the purpose ?

The Honourable Mr. J. L. RIEU : (a) In almost all the villages of the taluka the crops were inspected by the Mamlatdar in the presence of the villagers, and they were consulted by him about the condition of the crops. The Mamlatdar did not refer to the vahivat books in any village.

(b) The Mamlatdar toured in the taluka for about 35 days and inspected all the villages except ten, eight of which were uninhabited.

#### TAGAVI : DHANDHUKA TALUKA

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that a considerable portion of tagavi debts in Dhandhuka is due to the fact that people of the taluka were induced in St. 1968 by the Talukdari Officer Mr. Tupper to take their cattle to the Gir, where most of the cattle died and they were charged all the feeding and other expenses which were paid by Government by debiting the same as tagavi advances to the agriculturists ;

(b) if the answer to (a) is in the affirmative, will Government be pleased to state the total sum so debited as tagavi ;

(c) whether people have petitioned Government to remit them these sums ; if so, with what results ;

(d) whether Government intend to consider this question in the light of the repeated lean years in the taluka and the abject poverty

of all these tagavi debtors, with a view to give them some relief in the matter ?

The Honourable Sir CHUNILAL MEHTA : Enquiries are being made.

#### “ VITA ” TRAGEDY

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether they are aware of the Vita Tragedy in the Port of Mandvi in Cutch on the night of 12th April 1927 ;

(b) how many persons belonged to British India or were the residents of this Presidency, out of the eight that lost their lives in the tragedy ;

(c) whether it is a fact that the accident is due to the fact that passengers were brought down in the boat at night when the weather generally remains stormy ;

(d) whether it is a fact that the same sort of accident happened on 28th of September 1926 due to the same reason ;

(e) whether it is a fact that Messrs. Mackinnon Mackenzie, the steamer agents, had then promised that the mistake would not be repeated and still it was repeated resulting in the loss of eight human lives ;

(f) what action Government have taken or propose to take to avoid such tragedies ?

The Honourable Sir COWASJI JEHangIR : (a), (c), (d), (e) and (f) Already replied to in the last session of the Council.

(b) The number of passengers, who lost their lives in the accident, was three and not eight as stated by the Honourable Member. They were all subjects of the Cutch Darbar.

#### LAND REVENUE : PENALTY FROM SARDAR PATHUBHA

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether they are aware that a penalty notice was served by the Mamlatdar of Dhandhuka Taluka to Sardar Pathubha of Rojka and the penalty has been paid under protest by the said Sardar ;

(b) whether it is a fact that the said penalty notice went out of the Mamlatdar's office after the jama payment was made by the Sardar and served on him a day after the payment was regularly made by him in the treasury ;

(c) whether it is a fact that the notice was as a matter of fact signed by the Mamlatdar after the jama instalment was paid by the Sardar ; if not, will Government state the exact time when the notice was signed and when the jama was paid ;

(d) whether it is a fact that the produce of the fields of the Sardar was still in the fields uncut and he had to raise a loan for the payment of jama and the Mamlatdar knew all this ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No. The penalty notice had already been despatched by registered post before Sardar Pathubha came to the Mamlatdar's katchery at



about 3 p.m. on March 24th, 1927, and enquired about the jama to be paid by him. He paid the amount of the jama on the same day, at about 4 p.m. The notice reached him by post on the next day.

(c) No. The notice was signed by the Mamlatdar at about 12 noon on the 24th, and the Sardar paid the amount at about 4 p.m. on the same day.

(d) The Mamlatdar did not know at the time of passing the order of penalty that the produce of the Sardar's fields was still to be harvested and that he had to raise a loan for the payment of the jama.

#### JAMA : PAYMENT BY SARDAR PATHUBHA

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) whether it is a fact that Sardar Pathubha of Rojka, under Dhandhuka taluka, Ahmedabad district, appeared before the Mamlatdar with the jama money before he was informed of the penalty notice ;

(b) whether it is a fact that the Mamlatdar asked him to pay the jama into the treasury and even then did not inform him that the penalty notice was being contemplated against him ;

(c) the approximate time when the Sardar appeared before the Mamlatdar, and when the penalty notice was signed by the Mamlatdar ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) When Sardar Pathubha went to the Mamlatdar's office to enquire about the jama to be paid by him, he was informed that a penalty notice had been sent to him by post earlier in the day. He was, however, asked to make payment into the treasury.

(c) The Honourable Member is referred to the reply given to his question above.

#### LAND ACQUISITION FOR FOREST DEPARTMENT

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) whether the Conservator of Forests, Mr. Marjoribanks, had pitched his tent in the land of Bai Ichha, daughter of Khusal Jeychand, situated in Pepalwada village, taluka Mandvi, district Surat ;

(b) whether the tents had been pitched without permission of the owner ;

(c) whether while pitching the tents fire was set to the grass, mango trees, etc., and damage was caused to the owner ;

(d) whether this lady had filed a suit for damages against Mr. G. E. Marjoribanks being suit No. 2691/1925 in the Court of the Surat, First Class Subordinate Judge ;

(e) whether Mr. Marjoribanks had tendered an unconditional apology in writing in the form attached hereto ;

(f) whether out of revenge the Forest Department proposes to acquire this land belonging to this lady ;

(g) whether it is a fact that there is plenty of other Government land in this or in the neighbouring villages where tents could be pitched ;

- (h) whether pitching of tents can be regarded as a public purpose ;  
 (i) whether Government intend to drop the proceedings for the acquisition of land ?

*Abstract*

I, George Erskine Marjoribanks, state as follows :—

If any damages had been done I should have been sorry. I shall continue to take care that my subordinates do not erect my tents on the lands of others, if these have any objection to this being done.

22nd March 1926.

(Sd.) \*\*

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) Yes, according to immemorial custom.

(c) The dead leaves were burnt as usual before the camp was set up. No damage of any kind was caused to the owner.

(d) Yes.

(e) Yes.

(f) It is convenient for officers of the Forest and other Departments to camp at this place. Hence proposals for the acquisition of the site have been made. There is no question of revenge.

(g) The Collector is making enquiries.

(h) Yes, when they are pitched for an officer of Government travelling on duty.

(i) Until they receive the Collector's report, Government are not committed to any course of action.

Mr. H. B. SHIVDASANI : With regard to (b) is it the immemorial, custom of Government to pitch tents in other people's lands ?

The Honourable Mr. G. B. PRADHAN : Often times, so far as I know places for pitching tents are generally fixed, and the tents are pitched on those sites.

Mr. H. B. SHIVDASANI : Is it the immemorial custom to pitch tents in other people's lands without their permission ?

The Honourable Mr. G. B. PRADHAN : It is not claimed as a matter of right. Certain sites in certain towns and villages are generally fixed for pitching tents. If the owners of the land object, they will not be pitched there.

Mr. H. B. SHIVDASANI : Fixed by whom ?

The Honourable Mr. G. B. PRADHAN : Fixed by long practice. Convenient sites where there is shade, where there are trees, are selected for pitching tents, so far as I know from my personal experience.

Mr. H. B. SHIVDASANI : What is meant by immemorial custom ?

The Honourable Mr. G. B. PRADHAN : I would use the words immemorial practice.

Mr. W. S. MUKADAM : May I know whether permission is taken from the owner of the land before pitching tents ?

The Honourable Mr. G. B. PRADHAN : It is considered as a sort of license ? If the owner objects, then the tents will not be pitched there.

Mr. F. J. GINWALLA : Since how long has this been the custom ?

The Honourable Mr. G. B. PRADHAN : I think the reply contains that information.

Mr. H. B. SHIVDASANI : It is stated that no damage of any kind was caused ; I want to know why the Conservator of Forests offered an unconditional apology, if there was no damage.

The Honourable Mr. G. B. PRADHAN : There was very little damage, and I think he was right in offering an unconditional apology.

Mr. H. B. SHIVDASANI : I want to know whether there was any damage.

The Honourable Mr. G. B. PRADHAN : No. Only dead leaves were burnt.

Mr. H. B. SHIVDASANI : Then why did he, though he was the head of the Department, offer an unconditional apology in the suit ?

The Honourable Mr. G. B. PRADHAN : I think because even dead leaves are the property of the owner. The owner complained that his dead leaves had been burnt, and the reply says that even in that case an apology was given, because they were the property of the owner.

Mr. H. B. SHIVDASANI : Then the Conservator can claim compensation for improving the land. Is it damage ?

The Honourable Mr. G. B. PRADHAN : I do not suppose that owners like that their lands should be improved against their wishes.

Mr. H. B. SHIVDASANI : With regard to (f) it is stated that this land has been notified for acquisition not out of revenge, but because it is convenient for officers of the Forest and other Departments to camp at this place. In reply to another question Government say that they have not enquired whether there are other places equally suitable. I want to know why this place was selected for acquisition.

The Honourable Mr. G. B. PRADHAN : The reply says that from times immemorial this place was considered as the fittest place for pitching tents. So, the question of revenge does not arise at all. This was considered as a fit place not recently but from times immemorial. If the owner objects, necessarily Government have no other alternative but to acquire the land.

Mr. H. B. SHIVDASANI : It is stated in the reply that the Collector is making enquiries. If there is already Government land, why should Government go and acquire private land ?

The Honourable Mr. G. B. PRADHAN : If there is suitable Government land, then there is no reason why Government should be anxious to spend money out of their own pockets and acquire this land. The Collector is making enquiries if there is other suitable Government land available. If there was Government land, then there was no necessity for acquisition proceedings.

Mr. H. B. SHIVDASANI : My point is, why was this land proposed for acquisition before making enquiries ?

The Honourable Mr. G. B. PRADHAN : Where is the reply that there was Government land available ?

Mr. H. B. SHIVDASANI : Part (g) of the question asks : “ whether it is a fact that there is plenty of other Government land in this or in the neighbouring villages where tents could be pitched ; ” and the reply is that the Collector is making enquiries, which means that no enquiries have been made whether there is suitable Government land.

The Honourable Mr. G. B. PRADHAN : The touring officers found that this was the most convenient place on which to pitch their tents, and as a matter of fact this is the place where tents can be pitched, and that is why acquisition proceedings were started. But as there is objection that this land should not be acquired, the Collector is asked to make enquiries whether any other suitable land is available, either belonging to Government or to any other owner.

Mr. H. B. SHIVDASANI : I want to know.....

The Honourable the PRESIDENT : Order, order. Next question. This is getting into a debate.

#### GAUCHARAN, RONWELL

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) what is the population of the village of Ronwell, taluka Bulsar, district Surat ;

(b) what is the number of cattle and other animals in this village ;

(c) what is the area of Gaucharan land and other lands kept for the grazing of the cattle of this village ;

(d) what is the minimum area of grazing land required per head of cattle for maintaining them in an efficient condition ;

(e) whether there is an area of about 70 acres of Government forest land in this village the grass of which is being auctioned every year ;

(f) whether the people of this village have requested that this land be assigned for the grazing of their village cattle ;

(g) whether Government have considered this request of the village people, and if so, what decision they have arrived at ?

The Honourable Mr. J. L. RIEU : (a) 503.

(b) 614 bovines.

170 sheep.

299 goats.

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1,083

(c) Ten acres 24 gunthas free Gaucharan and 25 acres 16 gunthas Government waste land.

(d) The minimum area required cannot be stated as it depends upon the productivity of the land.

(e) The area of forest land which is auctioned every year is 46 acres and 30 gunthas.

(f) and (g) The people have applied for the land mentioned in the reply to clause (e) for grazing their cattle at the rate of annas 2 per acre. The question of giving them a contract at the average price realized in past years is under consideration.

Mr. H. B. SHIVDASANI : With regard to (f) and (g), why is not Government prepared to give the land on the same terms as it is given in other villages ?

The Honourable Mr. J. L. RIEU : Enquiries have first to be made.

Mr. H. B. SHIVDASANI : It is stated that the question of giving them a contract at the average price realised in past years is under consideration. Is it the object of Government to help the keeping of cattle ?

The Honourable Mr. J. L. RIEU : Within reason, yes.

Mr. H. B. SHIVDASANI : When there is land, why do Government want to take an auction price ?

The Honourable Mr. J. L. RIEU : That is a question to be considered.

Mr. H. B. SHIVDASANI : Is it not the policy of Government to make provision for grazing land where land is available ?

The Honourable Mr. J. L. RIEU : Not necessarily.

Mr. H. B. SHIVDASANI : What is the policy of Government ? To extort the last pie ?

The Honourable Mr. J. L. RIEU : The policy of Government is to maintain the *status quo* in regard to grazing.

Mr. H. B. SHIVDASANI : Even when the grazing land is not sufficient, they will maintain the *status quo* ?

The Honourable Mr. J. L. RIEU : It is not proved that it is insufficient.

Mr. H. B. SHIVDASANI : It is stated that the number of cattle is 614 bovines, 170 sheep and 299 goats, and the total is 1,083, and the total grazing land is 35 acres. Do Government consider 35 acres sufficient grazing land for 1,000 cattle ?

The Honourable Mr. J. L. RIEU : Most of those cattle are probably perfectly useless.

Mr. H. B. SHIVDASANI : Quite so, but are 35 acres sufficient grazing land for 1,000 cattle ?

The Honourable Mr. J. L. RIEU : That is not the question.

Mr. H. B. SHIVDASANI : That is the supplementary question.

The Honourable Mr. J. L. RIEU : The question is whether the land available is sufficient for the cattle which are reasonably required for the population of the village.

Mr. H. B. SHIVDASANI : Do Government desire that the remaining cattle should be killed ?

The Honourable the PRESIDENT : That does not arise.

WESTERN INDIA TURF CLUB : RECEIPTS FOR ADMISSION  
FROM G. I. P. RAILWAY

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state year by year for each of the last five years the amount received by the Western India Turf Club from the G. I. P. Railway in respect of the Race Special tickets with admission to the Race Course sold by the G. I. P. Railway.

The Honourable Mr. J. E. B. HOTSON: Government have no information on this subject. The honourable member is recommended to apply to the G. I. P. Railway if he desires to pursue the subject.

Mr. H. B. SHIVDASANI: Will the G. I. P. Railway give the information to me?

The Honourable Mr. J. E. B. HOTSON: The honourable member had better ask the G. I. P. Railway.

Mr. P. J. MARZBAN: Is not the number of admission tickets within the knowledge of Government, because they collect tax on the amount realized from the sale of admission tickets?

The Honourable Mr. J. E. B. HOTSON: Government only know the total number of admission tickets issued.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: How are Government able to check the figure of the number of admission tickets issued by the G. I. P. Railway?

The Honourable Mr. J. E. B. HOTSON: The honourable member's question seems to concern the Finance Department.

WESTERN INDIA TURF CLUB : OBTAINING OF INFORMATION

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) whether in reply to Mr. Shivdasani's question about totalisator betting, Bombay and Poona, printed on pages 550-51 of the Council Proceedings, Volume XX, in regard to part (c), the following reply was given by Government:—

“Government are not in possession of this information. The Honourable Member is referred for this information to the Secretary of the Western India Turf Club.”

(b) whether they are aware that Mr. Shivdasani wrote a letter on the 5th September 1927 asking for the necessary information from the Secretary of the Western India Turf Club;

(c) whether they are aware that he received a reply from the Assistant Secretary of the Western India Turf Club to the effect that “he not being a member of the club was not entitled to receive such information.”

(d) whether in view of this reply, Government intend to obtain the required information for him?

The Honourable Mr. J. E. B. HOTSON: (a) Yes.

(b) No.

(c) No.

(d) No.

Mr. H. B. SHIVDASANI : How are honourable members to get this information ?

The Honourable Mr. J. E. B. HOTSON : If the honourable member has any friend who is a member of the Turf Club he can get the information.

Mr. H. B. SHIVDASANI : Do Government desire honourable members to go about in this round about manner for getting the information ?

The Honourable Mr. J. E. B. HOTSON : Not in the least.

Mr. H. B. SHIVDASANI : Cannot Government get this information direct ?

The Honourable Mr. J. E. B. HOTSON : If they thought that any public service will be served by getting this information, Government might do so. The question is "whether they intend." The reply is "No." If the honourable member asks Government to obtain it for him, and gives fresh notice I might be able to reconsider the matter.

Mr. H. B. SHIVDASANI : In the previous question I had asked for information. I was referred to the Turf Club and the Turf Club says that they cannot give me information because I am not a member of the Turf Club. I am sent from pillar to post and from post to pillar.

TALATI RAMSHANKER RAVISHANKER : LEAVE

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) whether one Ramshanker Ravishanker was employed as talati in the Surat District for a period of thirty years ;

(b) whether in April 1926 he was compulsorily made to retire on the ground of his having completed 30 years' service ;

(c) whether there was no complaint against his work as talati ;

(d) whether for about 12 years prior to his compulsory retirement he has not enjoyed any privilege leave ;

(e) whether six months' privilege leave was due to this talati at the time of his retirement ;

(f) whether owing to his being made to retire suddenly he was deprived of his right to enjoy six months' privilege leave to which he was entitled under the Fundamental Rules ;

(g) whether he has applied to Government for granting him the privilege leave which was due to him at the time of his retirement ;

(h) what they have decided on this application ;

(i) if the leave asked for has been refused, what are the special reasons for refusing it ;

(j) whether privilege leave is being granted even to officers occupying the highest position after their retirement ;

(k) what is the reason for treating this poor talati differently ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) He was made to retire from 1st April 1926 in pursuance of the orders of Government reducing the number of talatis in the Surat District by 99. He had completed 30 years' service like many other Talatis who were made to retire at the same time.

(c) No.

(d) Yes; he did not take any leave after March 1914.

(e) Yes.

(f) Yes. Under the Civil Service Regulations he became entitled to three months' notice or three months' pay in lieu of notice.

(g) He did not apply for leave either when he was in the service, or after his retirement on 1st April 1926. Shortly after his retirement he claimed three months' pay in lieu of three months' notice and the claim was allowed. On 4th February 1927, however, he applied for 6 months' pay in lieu of 6 months' leave.

(h) and (i) The Collector declined to accede to the request for six months' pay in lieu of six months' leave, as the request was inadmissible under the rules. The Collector's order was confirmed on appeal by the Commissioner, and the decision was upheld by Government.

(j) Leave not exceeding 6 months is admissible only to a Government Officer retiring after attaining the age of 55 who actually applied for leave whilst still in service but whose application was refused in the interests of the public service.

(k) The analogy does not arise.

#### NAVSARI-AAT ROAD

Dr. P. G. SOLANKI: Will Government be pleased to state whether the road from Navsari station to village Aat is a provincial road or under district local board management?

The Honourable Sir GHULAM HUSSAIN: The road is in charge of the District Local Board, Surat.

#### PUBLIC CONVEYANCES: USE BY DEPRESSED CLASSES

Dr. P. G. SOLANKI (Bombay): Will Government be pleased to state—

(a) whether it is a fact that drivers and owners of Public Conveyances such as Taxis, Tongas and Bullock carts in the Mofussil all over Gujarat refuse and disallow members of the depressed classes to make use of their conveyances even though they are willing to pay their fixed rates for the journey;

(b) what steps Government propose to take in these cases so as to put a stop to this unjustifiable practice which causes great inconvenience and misery to depressed classes all over the country?

The Honourable Mr. J. E. B. HOTSON: (a) No.

(b) In view of the answer to (a) no action seems necessary at present. Should any case of the nature suggested in the question occur, the offending driver could be dealt with under the Indian Motor Vehicles Act or the Bombay Public Conveyances Act.

Mr. N. A. BECHAR: Part (a) of the question shows that it was within his knowledge that such cases had occurred. The reply is "No." Therefore, I request the Honourable the Home Member to sympathetically consider the question?



The Honourable Mr. J. E. B. HOTSON : If the honourable member who asked the question or his friends had been aware of any such cases they would presumably have taken the action which as the reply to (b) shows was open to them. They did not take that course nor did they bring any such case to the notice of Government. Therefore, the reply to the first part is correct.

#### COTTAGE INDUSTRIES : GUJARAT

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) whether a regular survey of cottage or home industries has been made in all the districts of Gujarat ;

(b) whether they intend encouraging Khadar weaving among the depressed classes in Gujarat including Surat District ;

(c) whether they intend introducing silk industry as a cottage industry among the depressed classes who are hereditary weavers and are known as Vankars ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No regular survey of cottage or home industries in the Gujarat Districts alone has been made. A general survey of Arts and Crafts has been made by an officer who was specially deputed for the purpose. His report will shortly be received by Government. An officer of the Industries Department has been placed on special duty to make a regular survey of the weaving industry. An expert in tanning industry has also been appointed to make a regular survey of the Village Tanning Industry.

(b) No special efforts have been made to encourage Khaddar weaving among the depressed classes in Gujarat apart from the weaving schools and demonstrations that have been established for the benefit of the weaving communities.

(c) Not as at present advised.

#### EXCISE DEPARTMENT : DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state the number of depressed class men engaged in the subordinate services of the Excise Department ?

The Honourable Mr. G. B. PRADHAN : One.

#### BOARDING HOUSES FOR HILL TRIBES : GUJARAT

Dr. P. G. SOLANKI : Will Government be pleased to state the number of boarding houses started for Bhils, Nayakdas and other hill tribes in Gujarat ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Six, as under :—

#### *District Surat*

1) The Boarding School at Godsamba for Dhodias, Chodhras, Dublas, and other Kaliparajs of the district.

(2) The Boarding School at Khergaum for Kaliparajs now broken up into two sections—one at Wagchhipa and the other at Rankuva.

*Panch Mahals District*

- (3) The Boarding School at Dohad for Bhils and Patelias.  
 (4) The Boarding School at Ambli for Dharalas.

*Broach District*

- (5) The Boarding School at Diwa for Bhils, Talavias and Kolis.

*Kaira District*

- (6) The Boarding School at Uttarsanda for Waghris.

Mr. N. A. BECHAR : In the list of boarding houses given there is not one for the depressed classes. May I know.....

The Honourable the PRESIDENT : That is the reply to the question asked.

## PUBLIC SERVICE : DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state the number of depressed class men taken up in the subordinate Government service in the Presidency in the Revenue, Judicial, Educational and Excise Departments during the last three years ?

The Honourable Sir CHUNILAL MEHTA : The information has been called for.

## LIQUOR SHOPS, AHMEDABAD : HOLI HOLIDAYS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state--

(a) whether all the country liquor shops of Ahmedabad were ordered to be closed during the Holi holidays ;

(b) if so, the reasons why the admirable object, which prompted the order referred to in (a), was frustrated by allowing the refreshment room of Messrs. E. R. Fanibanda & Sons to be kept open during those holidays ?

The Honourable Mr. G. B. PRADHAN : (a) and (b) The orders of Government are that liquor shops in municipal areas should be closed on the Holi holiday. The orders do not apply to refreshment rooms.

Mr. J. C. SWAMINARAYAN : Do not Government allow the sale of liquor on Holi holidays in refreshment rooms ?

The Honourable Mr. G. B. PRADHAN : They do.

Mr. J. C. SWAMINARAYAN : Why should they allow liquor to be sold in the refreshment rooms only ?

The Honourable Mr. G. B. PRADHAN : They are not liquor shops.

Mr. G. I. PATEL : Do Government intend to prohibit the sale of liquor in refreshment rooms also ?

The Honourable Mr. G. B. PRADHAN : Not at present.

Mr. J. C. SWAMINARAYAN : Is not liquor supplied in refreshment rooms ?

The Honourable Mr. G. B. PRADHAN : Liquor is supplied in refreshment rooms to those who drink foreign liquor.

Mr. P. J. MARZBAN : Is it not a fact that the refreshment rooms sell only foreign liquor.

The Honourable Mr. G. B. PRADHAN : They sell foreign liquor.

Mr. J. C. SWAMINARAYAN : Should they not prohibit the sale of foreign liquor when they have prohibited the sale of country liquor ?

The Honourable Mr. G. B. PRADHAN : People who go to the refreshment rooms are respectable people and are not likely to create disturbances.

Mr. J. C. SWAMINARAYAN : Do not people who take country liquor go on those days to the refreshment rooms ?

The Honourable Mr. G. B. PRADHAN : Perhaps very few. Their pocket cannot afford.

Mr. H. B. SHIVDASANI : Are people the better for taking foreign liquor instead of country liquor ?

The Honourable Mr. G. B. PRADHAN : People who go there should judge.

Mr. S. K. BOLE : Are Government aware that the refreshments rooms provide bad stuff on those days and get more money ?

The Honourable Mr. G. B. PRADHAN : I do not know.

#### CULTIVATORS' RIGHT TO TREES IN SAHIJPUR BHOGA

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that in paragraph 9 of the survey settlement report of Sahiipur Bhoga, a village in North Daskroi Taluka of Ahmedabad District, the Inamdar has not been given any rights over the trees in the lands occupied by the cultivators ;

(b) whether in spite of the rights over the trees having been given to the cultivators in the said survey settlement the Inamdar of the village is obstructing the cultivators from taking the fruits or dry wood of the trees in the lands occupied by the cultivators ;

(c) if so, what steps they have taken to save the cultivators from the obstructions and the harassments of the Inamdar ?

The Honourable Mr. J. L. RIEU : (a) No. Paragraph 9 of the Jahernama (not paragraph 9 of the survey settlement report as stated in the question) did not confer on the occupants any new rights over trees in occupied land, nor did it transfer the Inamdar's then existing rights over trees to the occupants. The previous records show that the Inamdar used to take the produce of all trees, whether situated in occupied, unoccupied or alienated land in the village.

(b) and (c) Do not arise.

THE THAKOR OF KERWADA : May I know whether Government can claim the trees standing on lands belonging to inamdars ?

The Honourable Mr. J. L. RIEU : I want notice of that question.

## THAKOR OF SANAND : HOUSE CONSTRUCTION

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state —

(a) whether in the appeal No. 31 of 1891 between the Secretary of State for India in Council and Shri Ranmalsingji Bhagwatsingji, the Thakor of Sanand, the High Court decided to give the wanta land in the town of Sanand to the Thakor of Sanand “without prejudice to Municipal rights or rights of others if any whatever they may be ;”

(b) whether in spite of the judgment of the High Court mentioned in (a), the present Thakor of Sanand is preventing by force and threats the construction of houses on lands of private persons for which regular permissions have been given by the Municipality of Sanand ;

(c) if the answer to (b) is in the affirmative, what steps Government have taken or intend to take to prevent the Thakor of Sanand from prejudicing the rights of the Municipality of Sanand and the rights of other persons ?

The Honourable Mr. J. L. RIEU : (a) The High Court, by consent, passed a decree in accordance with a compromise which included these among other terms.

(b) The Thakor of Sanand is in some cases preventing the construction of houses on wanta land for which permissions have been given by the Municipality, though no force or threat is reported to have been used.

(c) As the honourable member has already been informed, it is not possible for Government to take any steps in cases of this kind. The parties affected have their remedy in the Civil Courts.

Mr. G. I. PATEL : Is it not within the province of this Government to prevent the Thakor of Sanand from encroaching upon the rights of the Sanand municipality ?

The Honourable Mr. J. L. RIEU : It is the municipality that should take the action if it sees fit.

## TEXTILE WORKERS : FINES AND DEDUCTIONS FROM WAGES

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they have communicated the results of their inquiry on the subject of fines and deductions from wages of textile workers to the Government of India ;

(b) if so, when do Government expect legislation on the subject ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) The Bombay Government are not in a position to say.

Mr. F. J. GINWALLA : Why Government are not in a position to say ?

The Honourable Sir COWASJI JEHangIR : Because the Government of Bombay is not the Government of India.

Mr. F. J. GINWALLA : Will Government be pleased to enquire of the Government of India ?

The Honourable Sir COWASJI JEHangIR : If the honourable member gives notice I will see what I can do.

EXPENDITURE ON ROADS IN NORTHERN DIVISION, CENTRAL  
DIVISION AND SOUTHERN DIVISION

The THAKOR OF KERWADA (Northern Division) : Will Government be pleased —

(a) to place on the Council table a statement showing the amount spent in each district of the Northern, Southern and Central Divisions for the last five years, for maintaining old and adding new roads ;

(b) to state whether it is a fact that more money is allotted for the upkeep and extension of roads in the Deccan districts than in Gujarat, and if so, on what grounds ?

The Honourable Sir GHULAM HUSSAIN : (a) The requisite statement is laid on the Council table.

(b) A statement showing the amounts allotted for upkeep and extension of roads in Gujarat and the Deccan for the three years ending 1927-28 is attached. It will be seen therefrom that the amounts allotted for upkeep of roads in Gujarat are greater than those allotted for the Deccan. The amounts allotted for extension of roads (original works) in the Deccan Divisions are greater than those allotted for roads in Gujarat because Government were prepared with many more schemes for new roads and improvements to existing roads in the Deccan than in Gujarat and also on account of the fact that the area of the Deccan is 38,262 square miles, while that of Gujarat is only 13,579 square miles.

Statement showing the amounts spent in each District (now called Division) five years ended 1926-27 on maintaining

Serial No.	Name of District (Divisions)	Maintenance of		
		1922-23	1923-24	1924-25
	<i>Northern Circle</i>	Rs.	Rs.	Rs.
1	Thana .. ..	2,19,293	2,74,265	2,90,527
2	Surat and Broach .. .	2,81,259	3,13,013	3,21,853
3	Kaira and Panch Mahals .. ..	2,41,309	2,50,273	2,43,120
4	Ahmedabad .. .	1,54,535	2,27,021	1,57,273
	Total ..	8,96,396	10,64,572	10,12,773
	<i>Central Circle</i>			
5	Poona .. ..	1,52,639	2,21,504	2,33,712
6	Head Quarters Works .. .	8,503	14,587	14,844
7	Satara .. ..	83,590	1,16,523	1,12,924
8	Ahmednagar .. ..	1,19,462	1,34,678	1,40,670
9	Sholapur .. ..	67,218	68,079	68,566
10	Nasik .. ..	1,23,005	1,17,708	1,25,242
11	East Khandesh .. .	73,340	72,343	73,406
12	West Khandesh .. .	72,758	75,690	77,168
	Total ..	7,00,605	8,21,712	8,46,532
	<i>Deccan Irrigation Circle</i>			
13	Poona Irrigation (Nira Left Bank Canal) ..	20,579	29,300	27,579
14	Lake Whiting .. ..	13,837	10,837	15,700
15	Lonad (Mutha Canals) .. ..	12,807	13,700	11,787
16	Malsiras .. ..	35,094	36,900	35,000
	Total ..	91,317	89,837	90,066
	<i>Southern Circle</i>			
17	Belgaum Division .. ..	1,53,309	1,47,539	1,84,396
18	Dharwar .. ..	1,40,120	1,19,021	1,23,002
19	Bijapur .. ..	86,319	99,194	1,07,653
20	Ratnagiri .. ..	94,091	1,64,672	1,44,799
21	Kanara .. ..	1,36,723	1,56,112	1,52,443
	Total ..	6,10,562	6,86,538	7,12,293
	Grand Total ..	22,98,880	26,62,659	26,61,664

*of the Northern, Central and Southern Divisions (now called Circles) in the existing roads and on new road works*

existing roads		New road works				
1925-26	1926-27	1922-23	1923-24	1924-25	1925-26	1926-27
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
3,62,503	3,73,563	2,68,711	1,34,212	52,097	1,39,929	1,24,770
2,59,334	2,28,010	22,416	57,940	83,133	54,390	10,983
2,08,807	2,16,127	72,956	89,112	55,609	17,262	8,000
1,18,797	1,27,069	49,835	32,997	50,119	99,636	85,785
9,49,441	9,44,769	4,13,918	3,14,261	2,40,958	3,11,217	2,29,544
2,37,591	2,41,568	4,21,885	61,328	1,05,165	1,15,486	89,701
19,393	19,391	....	....	....	474	1,674
1,13,922	1,13,961	....	....	....	....	....
1,59,387	1,52,031	17,629	8,470	31,850	22,891	3,118
71,788	74,098	18,093	3,203	7,693	14,710	....
1,26,707	1,32,610	46,826	41,317	54,741	28,976	457
77,262	82,920	1,16,093	1,00,009	88,600	96,384	63,461
86,853	87,252	12,593	21,578	20,080	24,879	22,768
8,89,903	9,03,840	6,33,119	2,35,905	3,08,729	3,03,300	1,81,269
30,680	30,759	....	..	....	....	....
14,900	13,910	1,000	1,252	1,100	1,000	1,100
14,565	12,422	....	....	....	....	....
34,196	35,181	....	...	....	....	....
94,341	92,272	1,000	1,252	1,100	1,000	1,100
2,29,307	2,17,769	....	....	....	....	....
1,23,614	1,60,860	....	....	....	....	...
99,653	1,08,269	....	....	....	....	....
1,41,002	1,71,357	....	....	..	....	..
1,71,346	2,03,237	....	....	....	....	..
7,65,522	8,67,492	....	....	....	....	....
26,99,207	28,08,373	10,48,037	5,51,418	5,50,787	6,15,517	4,11,913

*Statement showing the amounts allotted for the up-keep of roads in Gujarat and the Deccan for the three years ending 1927-28*

—	1925-26	1926-27	1927-28	Total
—	Rs.	Rs.	Rs.	Rs.
Gujarat .. ..	11,55,000	12,32,279	12,93,500	36,80,779
Deccan .. ..	11,23,480	10,87,315	11,22,760	33,33,555

*II. Statement showing the amounts allotted for the extension of roads in Gujarat and the Deccan for the three years ending 1927-28*

—	1925-26	1926-27	1927-28	Total
—	Rs.	Rs.	Rs.	Rs.
Gujarat .. ..	6,65,900	5,61,500	3,24,500	15,51,900
Deccan .. ..	14,34,000	13,46,700	9,83,200	37,63,900

The Thakor of KERWADA : Has not the Honourable Minister come to the conclusion that in the matter of allotment of grants for new roads Gujarat has not got its proper share ?

The Honourable Sir GHULAM HUSSAIN : I should think Gujarat has been given much more.

Mr. H. J. AMIN : Will Government be pleased to state whether they have any new schemes for roads in Gujarat ?

The Honourable Sir GHULAM HUSSAIN : There are some schemes.

Mr. G. I. PATEL : Is the Honourable Minister aware that during the recent floods several communications and transport facilities in the whole of Gujarat were destroyed, and, therefore, it is very necessary to allocate further funds for construction of roads in Gujarat ?

The Honourable Sir GHULAM HUSSAIN : I am moving a supplementary grant for that.

Mr. H. J. AMIN : Have Government any new schemes for Gujarat ?

The Honourable Sir GHULAM HUSSAIN : Yes, some.

Mr. H. J. AMIN : When are they going to take them in hand ?

The Honourable Sir GHULAM HUSSAIN : When the finances allow.

**PRIMARY SCHOOLS : BUILDING GRANTS**

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state the amount of building grants for primary schools given to each of the districts from local boards of the Central Division, Bombay Division (Educational Division), during the last five years and during the current year ?

The Honourable Dewan Bahadur HARILAL D. DESAI : A statement showing the expenditure incurred by District Local Boards in the Bombay and Central Divisions from Local Funds during the last five years and the current year is laid on the Council table.



*Statement showing expenditure incurred on primary school buildings by District Local Boards in the Bombay and Central Divisions during the last five years and during the current year .*

Expenditure incurred by District Local Boards during the years						
	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28
<i>Bombay Division</i>	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Kolaba ..	1,587	15,123	24,977	14,362	15,948	3,309
Nasik ..	10,941	5,498	4,785	4,993	892	....
Ratnagiri ..	3,144	1,284	1,318	3,505	12,077	23,686
Thana ..	3,603	5,057	6,685	1,515	2,300	....
Total ..	19,275	26,062	37,765	24,375	31,217	26,995
<i>Central Division</i>						
Poona ..	25,722	14,043	541	11,391	21,704	1,331
Satara ..	14,665	2,797	3,449	....	812	1,291
Sholapur ..	8,806	1,542	342	4,751	....	....
Ahmednagar ..	25,552	10,200	11,623	10,440	2,772	1,729
East Khandesh ..	11,350	4,858	7,845	....	....	....
West Khandesh ..	25,403	6,116	5,865	2,898	8,035	1,853
Total ..	1,11,498	39,646	29,665	29,480	33,323	6,204

#### TOLL BARS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) how many toll bars on Provincial roads have been abolished since 1923 ;

(b) how many still remain to be abolished and what time they will take to abolish them ?

The Honourable Sir GHULAM HUSSAIN : (a) 117.

(b) 209. No definite statement as to their abolition can be made.

#### PRIMARY EDUCATION : APPLICATIONS FOR EXPANSION

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) the date of the proposals of the district local board, Thana, requesting permission for expansion of primary education on voluntary basis and the date of sanction ;

(b) what other district local boards have submitted similar schemes and with what results ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The proposals were submitted to the Director of Public Instruction by the District Local Board, Thana, on 7th October 1925, and were partly sanctioned by Government on 22nd December 1926.

(b) The accompanying statement furnishing the required information is placed on the Council table.

*Statement showing (1) the names of District Local Boards other than the District Local Board, Thana, that have submitted schemes for expansion of primary education and (2) the action taken by Government thereon.*

Serial No.	Name of the District Local Board that has submitted the scheme to Government and brief description of the proposals included in the Scheme	Action taken by Government	Remarks, if any
1	Poona: Opening of 130 new schools.	Under consideration.	
2	Satara: Opening of 164 new schools and entertainment of 100 additional assistants.	The proposals for the entertainment of 100 additional assistants have been sanctioned but those for the opening of new schools are under consideration.	
3	Ahmednagar: Opening of 50 new schools.	Under consideration.	
4	East Khandesh: Opening of 50 new schools and appointment of 46 additional assistants.	Under consideration	The Board has already given effect to the scheme in anticipation of the sanction of Government. In view, however, of its failure to obtain the sanction of Government to the scheme Government have declined to allow the expenditure on this account to be admitted for grant, unless and until it is approved by Government and funds are available with them for the purpose.
5	West Khandesh: Opening of 100 new schools (90 for Boys and 10 for Girls).	Under consideration.	
6	Panch Mahals: Entertainment of 40 additional assistants in under-manned schools.	The Local Authority has been informed that the proposals made by it cannot be considered, as it does not undertake to provide its share of the expenditure involved.	
7	Dharwar: Opening of 50 new schools and entertainment of 76 additional assistants.	The proposals for the entertainment of additional assistants have been considered and sanction has been accorded to the entertainment of 51 additional assistants. The proposals for opening 50 new schools are under consideration.	
8	Belgaum: Opening of 75 new schools and entertainment of 100 additional assistants.	The School Board from whom the proposals were received is being informed that Government will not be prepared to consider the scheme unless and until it has been approved by the Local Authority.	
9	Bombay Suburban District: (1) Opening of one new school. (2) Taking over three private schools. (3) Conversion of three existing classes into independent schools.	The Local Authority has been informed that Government are not disposed to approve of the present scheme which contemplates the conversion of aided schools into District Local Board Institutions, unless there are very strong reasons for doing so.	

Serial No.	Name of the District Local Board that has submitted the scheme to Government and brief description of the proposals included in the Scheme	Action taken by Government	Remarks, if any
10	Nasik : The scheme consists of a general programme extending over a period of 10 years and a detailed programme for the 1st instalment in which it is proposed to open 44 new schools and appoint 50 additional assistants.	Under consideration.	
11	Larkana : (1) Opening of 14 new schools (9 for Boys and 5 for Girls) ; (2) Appointment of 12 additional assistants in undermanned schools ; and (3) Increase in the rent of two new schools.	Under consideration.	
12	Hyderabad : Proposal to entertain 20 additional assistants for the Local Board Primary Schools in the Hyderabad District.	Under consideration.	

Mr. N. E. NAVLE : Can the Honourable Minister for Education give reasons for his holding up these schemes for such a long time ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They require examination, and they are being examined.

#### SUBORDINATE ENGINEERING SERVICE : CYCLE ALLOWANCE

Mr. P. R. CHIKODI (Belgaum District) : Will Government be pleased to state—

(a) whether they have issued orders that the cycle allowance of Rs. 15 per month given to overseers of the subordinate engineering service in the Public Works Department should be reduced to Rs. 7-8-0 ;

(b) whether these orders are applicable to the Southern Circle only or to all the Circles in the Presidency proper ;

(c) and if applicable to all the Circles, whether it is a fact that they have been given effect to in the Southern Circle, but not in the Central Circle, and if so, what the reasons are for this differential treatment ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes. Not only for overseers but for all classes of establishment who maintain pedal bicycles.

(b) All circles in the Presidency.

(c) No.

#### SCHOOL BOARD, ADMINISTRATIVE OFFICER

Mr. P. R. CHIKODI (Belgaum District) : Will Government be pleased to state—

(a) whether it is a fact that the Administrative Officer of the Dharwar District School Board is at present its Vice-Chairman ;

(b) whether he has ceased to be its Vice-Chairman since his appointment as Administrative Officer, or, has combined in himself both the posts of the Vice-Chairman and Administrative Officer ;

(c) whether Government have come to the conclusion that these two posts can legally be held by one and the same individual member of the School Board ;

(d) whether Government have come to the decision that the acting or temporary appointment of the Administrative Officer can legally be made by the Local Authority without the approval of Government as required by the provisions of the Bombay Primary Education Act, 1923, and that the Local Authority can legally avoid the condition of Government approval, necessary for the appointment of the Administrative Officer, by making temporary or acting appointment as long as it suits the Local Authority ;

(e) whether Government have agreed to the appointment by the Dharwar Local Authority of the Vice-Chairman as its Administrative Officer as legal under the provisions of the Bombay Primary Education Act, 1923, and if not, what steps they have taken to prevent him from signing the cheques making the disbursements ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) As the question of appointing a permanent Administrative Officer is still pending the charge of the post of the Administrative Officer is held temporarily by the Vice-Chairman in addition to his own duties.

(c), (d) and (e) The question of the validity of the arrangement is being considered.

Mr. P. R. CHIKODI : In view of the answer to question (e), that the question of the validity of the arrangement is being considered, may I know what steps have been taken to prevent the Vice-Chairman from signing the cheques and making disbursements ? There is no answer given to that part of the question.

The Honourable Dewan Bahadur HARILAL D. DESAI : No steps are being taken.

Mr. P. R. CHIKODI : Is it not necessary to take any steps. Who will be responsible for the amounts spent ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is for the local authority to consider.

Mr. P. R. CHIKODI : They are working under rules made by Government.

The Honourable Dewan Bahadur HARILAL D. DESAI : It is for the the local authorities. If they make illegal payments they will be held responsible.

#### FOREIGN LIQUOR SHOP, KURLA

Mr. DAWOODKHAN SHALEBHOY (Northern Division) : Will Government be pleased to state—

(a) the circumstances in which a fresh sanction was given for a foreign liquor 'off' license in Kurla ;

(b) whether Government have received a copy of the resolutions passed at a public meeting held at Kurla on the 15th August 1927 to protest against the sanction of the license;

(c) if answer to (b) is in affirmative, what action has been taken in the matter to meet the wishes of the general public of Kurla?

The Honourable Mr. G. B. PRADHAN : (a) Many Indian Christians and persons of other communities who are accustomed to use foreign liquor reside at Kurla. As there is no foreign liquor 'off' shop at that place, these people have to obtain their supplies from Bombay and are consequently put to great inconvenience. To remedy this it was decided, with the concurrence of the Excise Advisory Committee, to open an 'off' shop. The permission to open this shop has been given up to 31st March 1928 for the present.

(b) Yes, but of a meeting held on 16th August 1927.

(c) The President of the meeting was informed that Government saw no reason to reconsider the orders already passed but that they would in due course consider the question regarding the continuance of the shop beyond 31st March 1928.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Was any representation made to Government as regards this "great inconvenience"?

The Honourable Mr. G. B. PRADHAN : There was a representation signed by 300 or 400 persons.

#### MUNICIPAL STIPENDIARY MAGISTRATES

Mr. H. V. PATASKAR on behalf of Mr. N. G. MAJMUDAR (Sholapur City) : Will Government be pleased to put on the Council table a statement of the Municipalities in the Presidency that have Stipendiary Magistrates to try the municipal cases, showing the expenditure on the salary of the Stipendiary Magistrate and his establishment separately for each of those Municipalities?

The Honourable Mr. J. E. B. HOTSON : There is only one Municipality in the Presidency which pays for a Stipendiary Magistrate who tries municipal cases exclusively. This is the Ahmedabad Municipality and the total annual expenditure on salaries, establishment and contingencies is Rs. 7,781-15-0.

#### POLICE, JALGAON AND BHUSAVAL CITIES : ALLOWANCES

Mr. RAJMAL LAKHICHAND (East Khandesh District) : Will Government be pleased to state—

(a) how many police constables and head constables are engaged in Jalgaon City and how many in Bhusaval City;

(b) whether it is a fact that the Bhusaval police are given allowances while the Jalgaon police are not?

The Honourable Mr. J. E. B. HOTSON :

	Constables	Head Constables
(a) Jalgaon City	.. 24	9
Bhusaval City	.. 38	14.

(b) Yes, owing chiefly to the higher cost of living at Bhusaval. The duties of the police at Bhusaval, which is an important railway junction, are also more arduous and disagreeable than at Jalgaon.

#### TALEGAON RIOTS

Mr. B. G. PAHALAJANI : Sir, in view of the interview that the deputation of the members.....

The Honourable the PRESIDENT : What is it that the honourable member wants ?

Mr. B. G. PAHALAJANI : I want to make a statement.

The Honourable the PRESIDENT : With reference to what ?

Mr. B. G. PAHALAJANI : With reference to the adjournment motion which I stated that I would move to-day.

The Honourable the PRESIDENT : The honourable member stated yesterday that he would give me notice of moving an adjournment motion to-day in connection with the statement made yesterday followed by the walk-out. But as notice to the President of the adjournment motion has not been given according to the Rules and Standing Orders of the House, any statement in connection with such adjournment motion does not arise, and therefore no statement can be made.

Mr. B. G. PAHALAJANI : As regards yesterday's statement, I want to make a statement.

The Honourable the PRESIDENT : I do not think the House is interested to know any further development in that connection.

*(Further consideration of Bill No. XXXV of 1927- A Bill further to amend the Bombay Port Trust Act, 1879—Resumed)*

Question again proposed :

.. That in clause 2 (6-A) the words 'officers and' be deleted

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I rise to support the amendment moved by the honourable member Mr. Hooseinbhoj Lalljee.

The Honourable the PRESIDENT : Where is the amendment moved by the honourable member Mr. Hooseinbhoj Lalljee ?

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : It was an amendment moved by the honourable member Mr. Bole.

Mr. J. C. SWAMINARAYAN : I support the amendment moved by the honourable member Mr. Bole. Sir, there is a proverb in Gujarati that the lady who wears gold bangles robs the woman who makes a living by selling thin *babul* sticks for cleaning teeth. On the pretext of subscribing to the welfare fund poor employees are to be robbed ; fines are to be imposed on them and their unclaimed wages are to be forfeited, and fines, forfeitures and unclaimed wages are intended to be used for the purpose of giving financial assistance to clubs, institutes and other objects connected with the welfare of employees and for payment of rewards to employees for life saving or other meritorious acts. Now, this word "employees" may include big officers and the unclaimed

[Mr. J. C. Swaminarayan]

wages of poor people and fines and forfeitures will be taken up and accumulated for the maintenance of clubs and institutes and big officers will be given assistance. Therefore I strongly support the amendment that the words "officers and" should be deleted in clause 2, line 12.

Mr. K. M. MUNSHI (Bombay University): Sir, I move that the consideration of this bill be taken up the first thing on Monday because there are certain amendments which I am sure will meet with the wishes of the Honourable the General Member. If this motion is accepted a satisfactory solution of the difficulty put forward by members can easily be found.

The Honourable Sir COWASJI JEHangIR: I have no objection.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I object to this procedure. I do not know why it should be postponed till Monday. I do not know what is the real object of my honourable friend Mr. Munshi in asking for this postponement; and the Honourable the General Member agrees to it. If there is any amendment which he says will be moved which will be acceptable to the Honourable the General Member, then I say let it be moved now. We are told that the Port Trustees want that this bill should be passed as soon as possible and I think we should try to finish it as soon as possible since we have had a long discussion thereon yesterday.

Question that the consideration of the bill be postponed till Monday the 17th October 1927, put and carried.

**BILL NO. XXII OF 1927 (A BILL TO AMEND THE MAHUL  
CREEK [EXTINGUISHMENT OF RIGHTS] ACT, 1922)**

The Honourable Sir COWASJI JEHangIR: I beg to introduce Bill No. XXII\*, a bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922.

The Honourable the PRESIDENT: The bill is introduced.

First reading. The Honourable Sir COWASJI JEHangIR: I beg to move the first reading of this bill.

Mr. President, in 1922 my honourable predecessor moved a bill in this House to extinguish all tidal rights and rights of navigation in the Mahul Creek. The present bill has been brought before the House in order to delete the words "tidal rights" and to give such amendment retrospective effect. I may inform the House that it was never intended to include the words "tidal rights" in the original Act. The original bill was introduced to enable the Port Trust to reconstruct the old bridge over the creek to carry its oil pipes. They have done nothing to interfere with tidal rights and they had not the slightest intention of stopping the sea from flowing up and down the creek. But unfortunately these words "tidal rights" somehow crept into the bill. The proof is to be found in the speech made by Sir Chimanlal Setalvad when he introduced the bill in 1922. There are two kinds of manufactures up the creek whose rights may be affected. They are chunam kiln owners and salt

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manufacturers. The tidal rights would only affect the salt factories. Sir Chimanlal Setalvad in moving the bill stated as follows :—

“As regards the salt manufacturers they will not be adversely affected for they will get their brine from the flow of water in the creek which will not be interfered with.” This clearly shows that there was no intention of stopping the flow of the tide in the creek. Up to now the Port Trust have of course done nothing to stop the flow and they do not propose to do anything. In the circumstances the words “tidal rights” are superfluous and should be deleted. Naturally honourable members would like to be convinced and assured that nobody’s interests will be affected. I have already said that no damage has been done to anybody as far as these tidal rights are concerned. It may be contended that since the words “tidal rights” had appeared in the bill some of the claimants may be adversely affected if we delete these words. Now, Sir, I am not a lawyer, but I do believe in equitable treatment, and it does not require a lawyer to be able to judge ordinarily whether anybody has been done any very serious damage if the facts are not complicated, and I contend that in the bill before us the facts are extraordinarily simple. Government had legislated in order to help the Port Trust to reconstruct a bridge. The Port Trust never intended to stop tidal rights. The words appear in the bill and claims are put in, but since Government intended to do no damage and have done no damage, surely Government are in a position to rectify any error in legislation whenever they choose to do so. If any great damage had been or was intended to be done I can understand honourable members opposing the passage of a bill of this sort. But since no damage has been done and never intended to be done, surely this House is in a position to see that any mistakes that may have been made are rectified. If any claims are put in, I contend that they can be only of two kinds. There can be damage already done, and there can be prospective damage, damage that might be done. No damage has been done, and therefore I do not think the first kind of claim for damages will be sustained. But since the Port Trust have the right at present, in the act as it stands, of stopping the flow of water up and down the creek, it may be contended by some owners of salt factories that the Port Trust may at any time stop the flow of water and may in the future probably do them some damage. (Suppose we delete the words “tidal rights and,” the amendment will have no effect so far as claims already alleged are concerned.) Therefore, the only claim that can be sustainable would be for damage that is to be done or may be done in the future. If we delete the words “tidal rights and” without retrospective effect, the Port Trust will have no right by legislation to stop those tidal rights and, therefore, all prospective damage disappears and vanishes. I contend, Sir, that, under any circumstances, the House can to-day safely and conscientiously omit these words “tidal rights and” from the act and can allow me to move all the three readings of the bill. I know there are some objections raised and I shall be quite open to conviction and shall be very pleased to hear honourable members. But I trust that I will get a clear indication as to whether they are really serious about taking this bill to a select



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committee. If they are really serious, I feel no hesitation at all to refer it to a select committee, but I hope they will allow me to move all the three readings to-day.

Question proposed.

Sir VASANTRAO DABHOLKAR : Mr. President, the House is very thankful to the Honourable the General Member for introducing this bill. It was a mistake done by his predecessor. . . . .

The Honourable Sir COWASJI JEHangIR : Government.

Sir VASANTRAO DABHOLKAR : That means the same thing. Sir Chimanlal Setalvad was the Member in charge concerned. It is said that there was a slight error on his part that he did not drop these words "tidal rights and" and the present General Member thinks that it was a slight error and so no damage has been done. From this it is clear that the Honourable the General Member is not aware of what proceedings had been taken by the owners of salt pans and traders in salt before the Collector of Bombay. In fact, he says in these four years no damage has been done. But during these four years the Port Trust have developed their properties on that part of the island, specially in the east, and many salt pans in Matunga have been affected on account of this development of the Port Trust properties and their rights have been interfered with. So much so, that during the full tide the water does not rise to the height as it used to be before the development and so the salt pans do not receive sufficient water for their reservoirs. Sir, leaving this right to the Port Trust of extinguishing the tidal rights for the last five years since 1922. Government have directly helped the Port Trust and have forced the people to go in for litigation. As soon as claims were put. . . . .

The Honourable Sir COWASJI JEHangIR : For what ?

Sir VASANTRAO DABHOLKAR : For damages when people did not get sufficient water for the salt pans.

The Honourable Sir COWASJI JEHangIR : Has the Port Trust. . . .

The Honourable the PRESIDENT : Would the honourable member proceed ?

Sir VASANTRAO DABHOLKAR : The Honourable the General Member is quite welcome, Sir, to put me any questions now.

The Honourable Sir COWASJI JEHangIR : Has the Port Trust done anything up to now to interfere with the tidal waves ?

Sir VASANTRAO DABHOLKAR : That is what I said ; I said he was not aware of what the Port Trust had done in the east. As far as the reclamation of the Port Trust on the east is concerned it has affected the salt pans, and that is why I say the Port Trust have interfered with the rights of the salt pan owners, and if he wants to see more about it, I refer him to the Collector of Bombay, before whom the claims have been put in by the owners of salt pans.

The Honourable Sir COWASJI JEHangIR : May I just ask one question, if you will allow me, Mr. President ? The honourable member

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says that the Port Trust have taken some action where they have been insulting to the people. Will he kindly say what action ?

Sir VASANTRAO DABHOLKAR : By filling in the land on the other side of the creek and by stopping the flow of water. The Honourable the General Member says it has nothing to do with the tidal rights. If the water does not reach the salt pans owing to the action of the Port Trust, has not the Port Trust interfered with the rights of the salt pan owners ? What steps has he taken to remedy this ? Furthermore, as soon as claims are put in before the Collector of Bombay, no awards have been made up to now.....

The Honourable Sir COWASJI JEHangIR : I rise to a point of order. I find that the honourable member Sir Vasantrao Dabholkar is one of the claimants. My point of order is whether he has a right to address the House being personally interested in the matter.

Sir VASANTRAO DABHOLKAR : May I speak on the point of order ?

The Honourable the PRESIDENT : No ; I think I can decide it at once. The honourable member has a perfect right to speak on the subject before the House as a member of the House.

Sir VASANTRAO DABHOLKAR : I am very much thankful to you, Sir, for giving a ruling in my favour. I know that I am interested remotely in the question. I can speak, even I can move an amendment but I am not going to vote. I may tell the Honourable the General Member when the Rent Act was being discussed I had taken part in the discussion of the Rent Act though I was a landlord myself and as such interested personally. I am not talking only on my own behalf, but on behalf of the large number of salt pan owners and salt traders generally. If the Honourable the General Member wants me to be shut out from speaking, that is not the way that the General Member should do it.

The Honourable Sir COWASJI JEHangIR : Does the honourable member admit that he himself is one of the claimants and is personally interested ?

Sir VASANTRAO DABHOLKAR : I do. On the contrary, the Honourable the General Member can get better information from me or persons interested in the matter, if he wants to do justice to those who are affected by the error of his predecessor. The Honourable the General Member has just expressed that if the House wishes he can commit the bill to a committee, but now on flimsy excuse he was trying to stifle me. That is not the correct way. Mr. President, the Honourable the General Member says, if any damage is to be done, it will be for the future. Then he understands or it comes in his mind that there may be damage done in the future, and that is why he wants to amend the section. But, when he says that, he admits of damage that will be done in the future, what about the damage already done, and what about the proceedings taken by the claimants and the owners of salt pans within the last four years ? Now, again, they will have to have fresh proceedings because

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the bill has been brought before the House. Thereby, the claimants who have already lost during the last four years, have to go in for fresh litigation. May I know whether the Honourable the General Member is going to make all the losses good because of the "slight error" of his predecessor? I expected him to place all the facts before the House, but the facts have not been placed.

Then, the question of navigation comes in. If they want to take public land as a portion required for carrying out some scheme, for the supply of petrol, for instance, what are they doing? They have been destroying the trade of the poor people for supplying the luxuries to the rich people. Ever since the navigation has been stopped, the traders of chunam and the traders in salt have suffered very heavily. They have to send the chunam and salt as export by railway which costs more than by sending the same by boats, and the honourable House will agree with me that they have to pay higher freight than what they paid when it was carried by navigation, by boats. In the old days, when the bridge was there, the case was different. Whenever boats had to pass, the bridge was removed. There has been a great loss to these people who have been trading in chunam. It is said that these people have been provided site at Ghatkopar. How will it benefit the people of Bombay to get chunam from Ghatkopar? They will have to pay more cartage. I am sure the Honourable the General Member will agree that it is not only a loss to the traders but it is a loss to those who want to purchase chunam and sand. Under those circumstances, I bring these facts to the notice of this honourable House, and as an assurance has been given by the Honourable the General Member that if necessity arises he will send the bill to a select committee, I hope he will act up to his word.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I request Government to adjourn this bill until next Monday to be taken up after the Port Trust bill. My reasons are that some salt merchants had come to discuss this matter with me only this morning and I told them that the Port Trust Bill would be taken up first. I have not had an opportunity of discussing the matter with them, but I do agree with some of the arguments advanced by my honourable friend Sir Vasantao, and I am sure that if the Honourable the General Member gives us some time, we shall be able to convince him that this bill as it stands is not so innocent as it looks. The interests of salt manufacturers are gravely affected and I think that it is not advisable for Government to try to get this bill passed in such a hurry when actually claims have been put before a tribunal for adjustment and those claims are likely to be prejudiced by the passing of this bill. I therefore request Government to give an assurance that the bill will be taken up on Monday after the Port Trust Bill.

The Honourable Sir COWASJI JEHangir: Sir, I think my honourable friend Sir Vasantao has rather confused the issues and therefore I would like to point out how he has confused the issues. But before

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doing so, I would like to ask if it would not suit the honourable member Mr. Hooseinbhoy Lalljee to have the bill sent to a select committee with instructions to report by Monday next. If this suggestion is agreeable to the honourable member, I will move for a select committee when the proper time comes after the bill passes the first reading.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : That is agreeable to me, Sir.

Sir VASANTRAO DABHOLKAR : May I know why there should be such a hurry to have the select committee's report on Monday ? Why should we not postpone it till the next session so that the members of the select committee might visit the place, ascertain the damage done and then write their report ?

The Honourable the PRESIDENT : I think the motion now before the House is more limited than that. There is a motion for adjournment of the bill till next Monday and a suggestion has been made that the bill should be submitted to a select committee, and that suggestion has been accepted. As to when that committee should report would be considered when a committee is being formed. Does the honourable member Mr. Hooseinbhoy Lalljee withdraw his motion for adjournment ?

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I withdraw it, Sir, if the Honourable the General Member gives an assurance that the select committee's report will be submitted on Monday next.

An Honourable MEMBER : Can discussion proceed ?

The Honourable the PRESIDENT : The House is entitled to discuss the question. I was only considering the question of the time of the House. I do not know whether any honourable members would like to discuss the question further.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, since the existing Act was passed, proceedings have been taken by the Collector of Bombay under section 7 of the Land Acquisition Act, 1894, and notices were issued against the owners of salt pans. Losses were gone into but no awards have been made yet. Now, Government want to prejudice the claims of those merchants who will probably not be given any compensation if this bill passes into law. For this reason it is dangerous to allow this bill to proceed further.

The owners of salt pans have also sent a memorial to H. E. the Governor and under these circumstances, I do not think it would be wise or just on our part to allow this bill to be passed. Therefore, I ask the House to consider the matter very carefully before they agree to pass the first reading of the bill, as the bill, if passed, would be sure to ruin the poor salt pan owners.

The Honourable Sir COWASJI JEHangIR : Sir, I think my honourable friend Sir Vasantrao has rather confused the issues. Under this Act there are two kinds of rights which are extinguished, namely, tidal rights and the rights of navigation. The bill at present before you does not touch the rights of navigation. That remains in the Act. It is

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only the tidal rights which we are now talking about. The Act as it stands at present gives the owners of property a claim for damages if any damage has been done by the re-construction of the bridge. It gives the owners of properties no claims if damage has been done by anybody else in any other way. When I asked my honourable friend Sir Vasantao as to whether any damage had been done by the Port Trust, he said, "yes". When I asked him how they had done that damage he said "by filling some land which had caused silting". Now, that has nothing to do with the Act which we are trying to amend. The Act is merely concerned with any damage done by the re-construction of the bridge, and if the bridge has done no damage so far as the tidal rights are concerned, then no damage is claimable. That is the position.

Now, my honourable friend has confused the issues by stating that damage has been done by some filling. That may be or that may not be. We are not at all concerned with that. My honourable friend may contend that at some other creek round about Bombay the Port Trust has done some filling which has caused silting. Property owners have their remedies in law against the Port Trust if any damage has been done by such filling. They will have the same remedy in the case of the Mahul Creek. That has nothing to do with this bill. The bill is concerned with claims for damages if the damages have been done by the re-construction of the bridge. That is where he has confused the issues.

Then my honourable friend went on to talk about the damage done by navigation. Damage may have been done by navigation. If any damage is done, there is section 3 of the Act which will compensate the owners of both chunam kilns and salt pans. If any damage has been done to navigation, my honourable friend will get his damages.

I hope the House will pass the first reading of the bill, after which I will move for the appointment of a select committee.

Bill read a first time. Question put and carried.

The Honourable Sir COWASJI JEHangIR : Sir, I move that the bill be referred to a select committee of the following members, to report by Monday next, 4 to form a quorum. The matter is a simple one, and I think we might as well finish it at this session ; otherwise, it will go on to the July session. It is not a difficult matter, and I think the honourable members whose names I shall mention will be able to tackle this question very easily by Monday next. The members will be :

Mr. Hooseinbhoj A. Lalljee,  
 Mr. P. J. Marzban,  
 Mr. K. M. Munshi,  
 Rao Bahadur R. R. Kale,  
 Sir Vasantao A. Dabholkar,  
 The Remembrancer of Legal Affairs,  
 Mr. J. C. Swaminarayan,  
 Moulvi Rafiuddin Ahmad, and  
 The Honourable Member in charge.

Question proposed.

Sir VASANTRAO A. DABHOLKAR : Sir, may I ask the Honourable the General Member why there should be any haste about this bill ? He has charged me that I have mixed the issues. On the contrary, I say that the Honourable the General Member has mixed the issues.

The Honourable the PRESIDENT : Order, order. I suppose the honourable member proposes that the report should be made at a later date than Monday next ?

Sir VASANTRAO DABHOLKAR : I move an amendment that the committee should report at the next session of the Council.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I should like to move an amendment that the select committee appointed by the Honourable the General Member should report as soon as possible. My amendment is :

“ Delete the words ‘ by Monday next ’ and insert ‘ as soon as possible ’ ”.

If the Honourable the General Member calls a meeting of the committee tomorrow or the day after, we will attend the meeting, and if we are able to finish our deliberations, we will certainly report by Monday next. But we cannot undertake to report by Monday next, because there are questions on which we will have to consult some people who will be coming down from Bombay.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I wish to say only a few words on the amendment of the honourable member Sir Vasantao. I gathered from his speech that the difficulty which he feels and which the select committee will, he thinks, experience if the report is called for by Monday next will be that there might be a desire to see the actual site. I do not know whether that is necessary, but even if it be necessary, we have a Sunday intervening, and it will be possible for six of the members of the Committee to go to Bombay, see the site, and come back, before Monday next.

The Honourable the PRESIDENT : “ As soon as possible ” is the amendment.

MOULVI RAFIUDDIN AHMAD : “ As soon as possible ” would not be in order ; there must be some fixed time.

Sir VASANTRAO DABHOLKAR : “ As soon as possible ” is indefinite ; it has no meaning.

The Honourable Sir COWASJI JEHangir : Sir, I regret to have to oppose the amendment. My object is not to hurry this honourable House or to rush it. These bills, if postponed, will go to the next July session. Bills, generally of this kind, are not brought on the agenda at the Budget session. The House is much too busy then ; only very important matters are brought on the agenda then. Therefore, it is to our interest to finish off this sort of work at this session, and therefore, I have proposed that the select committee should report by Monday next. As a matter of fact, if my honourable friends had not expressed such a strong desire for further consideration, I should have pressed for all the three readings today, and it is in order to convince my honourable friends that there is

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nothing very much in this bill that I have moved for the select committee, and I feel confident that by Monday next I shall be in a position to come before this House and say that we are more or less unanimous. Of course, it might be that the honourable member Sir Vasant Rao may differ from us. But I think that we shall be able to finish the work by Monday next, and very little time of the House would be taken.

Mr. P. J. MARZBAN *rose*.

The Honourable the PRESIDENT : That is the final reply given.

Mr. P. J. MARZBAN : I want to request the Honourable the General Member to kindly make it convenient for the committee to report within one month.

The Honourable the PRESIDENT : That does not make any difference.

Mr. P. J. MARZBAN : It does. The select committee must have some time. Monday is too short a period.

The Honourable the PRESIDENT : The reply has been given, and if I allow, there would be no end to these suggestions.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Can I reply to the Honourable Member, because I have moved my amendment ?

The Honourable the PRESIDENT : The amendment that the select committee should report before the next session is before the House.

Question put and lost.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I propose that the committee should report within a month, as suggested by the honourable member Mr. Marzban.

The Honourable the PRESIDENT : It comes to the same thing as saying that the committee should report before the next session.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I will give my reasons.

The Honourable the PRESIDENT : I think sufficient has been said on the point. This is hardly a new amendment ; to report in one month would mean next session.

A point of order was raised a little while ago by the Honourable the General Member whether an honourable member who is directly interested in a matter before the House can speak on it. I then gave my ruling that as a member of the House he can speak. I have looked into the matter further within the short time at my disposal, and the ruling I then gave is correct, namely, that he can speak on it. The practice of the House of Commons has been that the honourable member cannot vote, provided he is directly connected with the matter under discussion. It was pointed out by the Honourable the General Member, and I understand it is so, that the honourable member Sir Vasant Rao Dabholkar admits that he is a claimant in the matter. I think the same principle should apply in the select committee. The honourable member would,

[The President]

under that convention, be entitled to speak and take part in the deliberations of the select committee, but he may not vote.

The original motion to refer the bill to a select committee was then put  
Bill referred to select committee. to the vote and carried.

The Honourable the PRESIDENT: As to the next business I must take the sense of the House. As suggested by the Leader of the House we sat half an hour earlier than usual to-day and half an hour after questions was given to Government business which finished at 3 o'clock. But this matter went on for 10 minutes more. Therefore non-official business is begun from this moment. The Leader of the House suggests that Government business may be allowed to continue and whatever time is taken up by Government business will be made up afterwards.

The Honourable Sir CHUNILAL MEHTA: I do not wish to make any change in the proposal which I made the other day which was kindly accepted by the House. Instead of breaking up Government business every half hour I think that it will suit the convenience of the House as well as that of the Government benches if we go on with Government business today. It will not take more than an hour and all the additional time will still be given to non-official business as we will continue to meet half an hour earlier thus completing the full 5 days.

The Honourable the PRESIDENT: Is the House agreeable to the proposal? (Honourable members indicated their assent).

### **BILL NO. XXX OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY CHILDREN ACT, 1924).**

The Honourable Mr. J. E. B. HOTSON: Sir, I introduce \*Bill No. XXX of 1927 (A Bill further to amend the Bombay Children Act, 1924).

The Honourable the PRESIDENT: The bill is introduced.  
First reading.

The Honourable Mr. J. E. B. HOTSON: This, Sir, is a very simple little bill. I hope it will command the unanimous agreement of the House. The Children Act, after some considerable delay, was brought into force on the 1st of May of this year. It has been in force now for a little over four months. In the course of this time no fewer than 273 children have been dealt with in the Children's Home which I think must be regarded as a very good beginning indeed. In the course of the proceedings it has been found that there are one or two minor defects in the Act which need to be rectified. One of the first things done was to establish a juvenile court under section 46 of the Children Act. The juvenile court consists of a salaried presidency magistrate and a lady honorary magistrate. As it is a juvenile court, not a presidency magistrate's court, although a Presidency magistrate presides over it, the provisions of the Criminal Procedure Code which apply to presidency magistrates' courts do not apply to it. Therefore two small changes have been proposed now.



[Mr. J. E. B. Hotson]

The first is merely to place the juvenile court in the same position as if it were a presidency magistrate's court. That is to say, the examination need not be reduced to writing but it may be reduced to writing beforehand if the magistrate thinks it necessary. The next is the question of appeal. An appeal from a presidency magistrate's court lies to High Court. Under section 51(a) it is not provided where an appeal from a juvenile court in Bombay City should lie. Elsewhere it lies to a district magistrate, but there is no district magistrate in Bombay, and so it has been found necessary to provide specially for Bombay. Appeals will be very few; seldom are there legal advisers in these cases; seldom is there really any dispute at all. But we must provide for the event of an appeal coming from this court. If we were to deal with the juvenile court as if it were a presidency magistrate's court the appeal would lie to the High Court. But these petty matters in which small children are concerned are not suitable to be taken to the High Court, nor is the procedure of the High Court, terrifying and dignified as it is, suitable for these children. We do not want unnecessarily to take up the time of the High Court on petty matters; on the other hand, our object is that the procedure in the juvenile court shall be as simple as possible, as like as possible to that of a father dealing with his own child. So we have thought, as we have to make provision, that it is best to say that the appeal should lie to the Chief Presidency Magistrate and not to the High Court. The House will agree that this is both wise and economical. I do not think that I need say anything further and hope the House will consent to pass all the three readings in this session.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I support the first reading of the bill. I wish to make one suggestion. It may happen that the presidency magistrate who tried the case may act or be appointed as Chief presidency magistrate. In that case it will not be possible for him to hear the appeal from his own decision. I hope the Honourable the Home Member will see that this difficulty does not occur in making the provision.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I rise to support the first reading of this bill. I would be wanting in my duty if I do not express my appreciation of the services which the Honourable the Home Member has done in connection with this bill. As you know I was not a little responsible for this bill. Even the adjournment of this bill for the succeeding session was moved by me. In a conversation with the previous Leader of the House Sir Maurice Hayward, he expressed great doubts with regard to the working of this bill. I am glad to say that the Honourable the Home Member has done his best and has brought the bill into working order. He really deserves the congratulation of this House. With these words I support the first reading.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I congratulate the Honourable the Home Member for having taken a personal interest in the

[Mr. B. G. Pahalajani]

bill, though he is not responsible for bringing the original bill. The present amendment is in the interests of the children in providing an agency that may perform paternal rather than punitive functions. I support the first reading and hope that the House will pass the first reading of this bill.

Khan Saheb A. M. MANSURI : Sir, as it stands it is a simple bill and I support the first reading.

The Honourable Mr. J. E. B. HOTSON : Sir, with regard to the question raised by the honourable member Mr. Lalljee, if a magistrate who tries a case in a juvenile court afterwards becomes the Chief Presidency Magistrate and has to hear the appeal, it is within the power of Government to appoint an Additional Chief Presidency Magistrate and so get over the difficulty.

Bill read a first time. Question put and carried.

The Honourable Mr. J. E. B. HOTSON : I move, Sir, that the bill be  
Second reading. read a second time.

Bill read a second time. Question put and carried.

*Bill read clause by clause*

*Clause 2 (Amendment of section 7 of Bom. XIII of 1924)* ordered to stand part of the bill.

*Clause 3 (Amendment of section 51 of Bom. XIII of 1924)* ordered to stand part of the bill.

*Preamble and Clause 1 (Short title.)*

WHEREAS it is expedient further to amend the Bombay Children Act, 1924, in manner hereinafter appearing : AND WHEREAS the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this Act : It is hereby enacted as follows :-

Short title. 1. This Act may be called the Bombay Children (Amendment) Act, 192 .

Mr. BALAK RAM : Sir, I move :

In clause 1, after the figure ' 192 ' add the figure ' 7 '  
so as to make it read ' 1927.'

Question put and carried.

*Preamble and clause 1 (as amended)* ordered to stand part of the bill.

The Honourable the PRESIDENT : The bill is read a second time.

The Honourable Mr. J. E. B. HOTSON : Sir, I move that the bill be

Third reading. read a third time.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT : The bill is read a third time and passed into law.

### **BILL NO. XXXI OF 1927 (A BILL TO AMEND THE BOMBAY PRIMARY EDUCATION ACT, 1923)**

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I introduce Bill \* No. XXXI of 1927 (A Bill to amend the Bombay Primary Education Act, 1923).

The Honourable the PRESIDENT : Bill No. XXXI of 1927 (A Bill to amend the Bombay Primary Education Act, 1923) is introduced.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I move  
that the bill be read a first time. The section that is  
*First reading.* sought to be amended is section 9 (1) of the Primary  
Education Act. The sentence that is sought to be amended runs thus :

“The local authority shall, on the recommendation of the school board and with the approval of the Government, appoint an officer who shall be called the School Board Administrative Officer.”

This sentence has been interpreted differently by Local Authorities and School Boards. It was interpreted that if the school board made a recommendation, the local authority was not bound to accept it. But certain school boards said that their recommendation was bound to be accepted. Of course the local authority should be bound to consider the recommendation, but should not be bound to accept it, because the local authority has been given the power to make the appointment and it is the local authority which finances the school board. Under these circumstances it has been thought necessary, in order to remove the doubt to amend section 9, by putting in the words “after considering the suggestions, if any,” in place of the words “on the recommendation.” The question came up from the Surat School Board calling into question the power of the local authority to reject the recommendation. The Bandra local board took up the position that they refused to make any recommendation so that the local authority would not be in a position to make the appointment. In these circumstances, it is absolutely essential to set all doubts at rest, and therefore this measure has been brought forward as an urgent measure, and I would request the honourable House to allow me to carry this bill through all the readings in this session.

Question proposed.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, it is more than  $4\frac{1}{2}$  years since the Primary Education Act was passed, and yet out of the five district local boards in Gujarat, four have not taken advantage of the Act. There are various sections and rules made under the Act about whose interpretation Government had to publish in the *Government Gazette* from time to time the exact meaning after consulting the Advocate General and the Remembrancer of Legal Affairs to Government. The Act has been found unworkable owing to the difference between Government and the local authorities as regards finance and control of primary education. The Act requires to be overhauled. Meanwhile I support this bill.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, it has been stated in the statement of objects and reasons : “It is evident that such could not have been the intention of the legislature,” but I wish to point out that such was the intention of the legislature. When Bill No. IV of 1923 was under discussion in this Council, the Honourable Dr. Paranjpye wanted to provide in the bill that the school board should be an autonomous authority in order that even if a local authority would

[Mr. J. C. Swaminarayan]

non-co-operate, the school board would be able to carry on its functions. The Government intended that the Act should be so framed as to make the school board an autonomous body, altogether independent of the local authority, as soon as it was constituted. That was the reason why this clause was so framed as to make the recommendation of the school board prevail without allowing the local authority to have any say in the matter. Now, Government have changed their views, and Government wish that the local authority should be the parent body and the school board should be the child of that parent body. The position between these two bodies is very difficult to describe ; one may be called the parent body and the other the child body. The object of this bill is to provide that the recommendation of the school board shall not be binding on the local authority, while the intention of the legislature when passing the original Act was to make the school board an autonomous body.

The difficulty has been pointed out by the Honourable Minister that there are deadlocks between the school boards and the local authorities. But I wish to urge that if this bill is passed into law, these deadlocks which take place between the school boards and the local authorities may not arise, but deadlocks will happen within the school board itself. Because here it is stated that the local authority should consider the suggestion of the school board and then they may appoint whom they please. Now it may happen that the school board and the local authority may not be on good terms and by the passage of this Act the local authority may force a chief administrative officer whom the school board may not like. In that case the deadlock between the school board and the local authority will be transferred to the school board itself. What will happen ? The chief administrative officer will defy the chairman and vice chairman and the members of the school board will practically make the school board nugatory. If the chief administrative officer is powerful he will rule the authorities of the school board. I should therefore like that the bill should not be passed in its present form. It should be altered so that the conflict may disappear. I would like the Honourable Minister to consider the matter carefully and not to pass this measure in a hurry. It is necessary that the cause of conflict should be removed wherever it is likely to occur.

Dr. M. K. DIXIT (Surat City) : Sir, I rise to support the bill and in doing so I want to state in the first place that my honourable friend Mr. Swaminarayan seems to have misunderstood the principle underlying the Primary Education Act altogether. It has never been said in the Act anywhere that the school board is absolutely independent of the local authority under which it has to work. On the contrary section 4 definitely states that the school board shall be subject to the general control of the local authority. It means that the local authority has got a sort of controlling power over the school board. Secondly my honourable friend Mr. Swaminarayan said that the school board was not the child of the Local Authority. I submit

[Dr. M. K. Dixit]

Sir, that it was not the case. On the contrary the school board was the child of the parent body—the local authority—because the school board is to be elected by the local authority. I further submit that the school board was a subordinate body and local authority was the controlling body. He further said that the deadlocks which are likely to be created between the school board and the local authority on account of the existing section will be transferred if the Act is amended as proposed within the school board itself. But I do not think so. The section as it stands is certainly ambiguous and urgently requires to be amended. It is capable of three different interpretations. In the first place it means that on the recommendation of the school board and with the approval of Government the local authority shall appoint the administrative officer. Then it can be interpreted that as soon as the school board comes into existence it will make a recommendation to the local authority meaning to say “now that we have taken over the charge of the education department you can proceed with the appointment of an administrative officer.” That is one interpretation. Another interpretation is this. It is a curious interpretation indeed. The words as they exist in the section to-day are that on the recommendation of the school board and with the approval of Government the local authority shall appoint its administrative officer. The sequence of words as they exist in the section are capable of being interpreted as follows, *viz.*, that the school Board will first recommend an administrative officer. Then his name will be sent up to Government for approval and lastly the local authority shall appoint him. This is a very absurd and ridiculous interpretation and a most unnatural interpretation yet, such an interpretation has been put upon this section. The most natural interpretation of the section can only be, that the school board should recommend a few names out of a number of candidates for the appointment for the administrative officer and the local authority shall select either any one of them or they can select a man from outside the names recommended by the school board; and after the appointment has been made by the local authority the name may be sent for the approval of Government. This is the correct interpretation of the section; and it should be so because the expenditure to be incurred by the school board is to be met by two parties,—the local authority and the Government in the proportion of half and half as far as major municipalities are concerned; and it is quite natural that those who pay the expenditure should be in a position to control the appointment of the administrative officer. Under the circumstances this sort of ambiguity in the section should be removed and this amendment should be accepted by the House.

Mr. H. B. SHIVDASANI (Surat District): I rise to support the first reading of this bill. As regards the history of this bill I may state that I received a request from the Rander municipality to insert this amendment. It is at my request that the Honourable Minister has brought in this bill.

[Mr. H. B. Shivdasani]

I was rather surprised at the argument advanced by the honourable member Mr. Swaminarayan and I think to some extent he has been answered by the honourable member from Surat city. Section 9 provides that the appointment should be made by the local authority. If the school board recommends one man and says "if you want to appoint any man, appoint this man or don't make any appointment at all." That is absurd. If the school board refuses to recommend any one then also the local authority cannot exercise the right of making the appointment which is conferred upon it by the section. Surely no honourable member can maintain that the powers which it confers upon certain bodies should not be exercised by them and that some other body which is expressly subordinate to it should interfere with this right or arrogate the right to itself. I think the point is quite clear. The original intention of the legislature was that the appointment should be made by the local authority and it could never have been its intention that if the school board recommends only one man the local authority should be bound to accept the recommendation and to appoint him although he may be most unsuitable. I therefore maintain that in bringing this amending bill we are merely carrying out the original intention underlying the section of the original Act. With these words I support the bill.

The Honourable Sir GHULAM HUSSAIN. Sir, to my mind the original intention of section 9 as it stands was that the final authority should be the local authority. Therefore, purposely, the words "on the recommendation of the school board" were inserted in the clause. The recommendation is, after all, a recommendation. It is for the final authority either to accept or to reject that recommendation. Therefore, even as the section stands, the final authority is the local authority, and the school boards, I might say, were arrogating to themselves the authority that the administrative officer should be appointed only on their recommendation. Now, this bill has been brought to clear the ambiguity and the words have been inserted, "The local authority shall after considering the suggestions, if any," and so on, appoint the administrative officer. Now, the insertion of those words will leave no room for quarrels between the school boards and the local authorities. The contention of my honourable friend from Ahmedabad rural that the original intention of the Act was to make the school board independent and autonomous is inconsistent with the other provisions of the Act. I would draw the attention of this honourable House to section 4, which says :

"From such date as the Government may direct in this behalf in respect of each school board, and subject to the general control of the local authority, the school board shall exercise and perform such powers and duties as may be enacted in or prescribed under this Act."

That clearly shows that the school board has to work under the general control and supervision of the local authority. Then, I would refer honourable members to sub-section (3) of section 4 :

"The school board shall submit its annual budget and all alterations therein for the sanction of the local authority."

[Sir Ghulam Hussain]

That is to say, the final power, the power of the purse, is also with the local authorities, not with the school board. If the original intention of the legislature had been to make the school boards autonomous and independent of the local authority, surely, they would not have given the power of the purse to the local authority. And that is a very great power. If their intention had been to make them autonomous, they could not have left them to the tender mercies of the local authority. They may pass or reject the budget as they like. Again, Sir, sub-section (4) of section 4 says :

"The school board shall further exercise such powers and perform such duties in respect of any educational purpose as may be delegated to it by the local authority or any such municipality as aforesaid."

All these sub-sections of section 4 clearly show that the school board is a subordinate body to the local authority. Further, Sir, if we look to the constitution of the school board, there we have not only members of the local boards as members, but outsiders, too ; and even local boards do, under the authority they have under the Act, send in outsiders to the school boards. Therefore, when the local boards pay for the expenses of the school board, and when the school board can consist of outsiders, I do not think the original intention of the legislature could be to make the school board independent of the local authority, which provides the funds for the purpose. With these remarks, I support the first reading of this bill.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I rise to support the first reading of this bill. As the section stands at present, I think that if no recommendation is made, the local authority cannot make an appointment of the administrative officer, and I would just like to cite an actual example which occurred and which resulted not only in a deadlock but also brought about a calamity. I refer to the Jalgaon municipality. The school board of that local authority and the municipality had differences between them, and the school board refused to make any recommendation, with the result that no administrative officer was appointed for a certain time and there was consequently slack supervision all over. It resulted in a building having fallen and certain pupils being killed as a result of that accident. Naturally, the question was started as to who was responsible for not appointing an administrative officer. The local authority said there was no recommendation from the school board for the appointment and, therefore, no appointment of administrative officer was made. And the school board said that they were not the persons who were authorised to make the appointment of the administrative officer of the school board. The result was that on account of this higgling and deadlock between the local authority and the school board certain pupils were, as a matter of fact, killed. The accident which resulted in the death of these pupils could easily have been averted, if there was the responsible administrative officer. Because there was nobody to supervise all these things, except the chairman alone who had to look to his private business as well, all this happened. Therefore, I give my support to the first reading of this bill.

Mr. N. A. BECHAR (Karachi City) : Sir, I do not agree with the previous speakers who have spoken upon this bill. I agree with my honourable friend from Ahmedabad rural with regard to the powers and also the intention of this legislation when it was enacted. Sir, I have been a member of the school board of the Karachi municipality and we have all along taken and worked upon the lines that the school boards are autonomous bodies, and although the general powers of supervision.....

The Honourable Dewan Bahadur HARILAL D. DESAI : Under what Act ?

Mr. N. A. BECHAR : The Primary Education Act. Sir, the Primary Education Act creates under section 4 a school board, though it has to work under the general supervision of the municipality, it has far greater powers than any committees which have been created by the municipality for various purposes. Now, I want to draw very pointed attention of the Honourable Minister with regard to the appointments other than that of the administrative officer which lie in the power of the municipality. Sir, under the District Municipal Act, the managing committee appoints a sub-committee to make selections for the appointment of particular individual officers.....

Mr. B. G. PAHALAJANI : There is nothing in the Municipal Act.

Mr. N. A. BECHAR : There is. That is the procedure followed in the Karachi municipality under the District Municipal Act. The honourable member's Sukkur municipality is too small. Sir, I am telling you exactly the procedure which we are following in the Karachi municipality. The managing committee usually forwards the recommendation which a special sub-committee appointed for the purpose of recommending the appointment of an individual officer makes, and ultimately it goes to the municipality. But the municipality cannot appoint any one besides the names recommended by the sub-committee and forwarded by the managing committee to the municipality. Three or four names are usually recommended,—and that is under the Act,—and it is only out of those particular individuals recommended by the sub-committee that the appointment has got to be made.

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no provision in the Act, Sir.

Mr. N. A. BECHAR : It may not be in the Honourable Minister's education Act, but I say it is under the District Municipal Act, and I say that is how appointments are usually made. Here is a body which has certainly got larger powers, a body like the school board, with larger powers than the ordinary statutory committees appointed under the District Municipal Act for its own functions, and it will have far less powers than those sub-committees or the other statutory committees, if the amendment is accepted. Sir, the very intention of the recommendation of the school board is that they should secure to themselves an officer who will be loyal in carrying out the orders and the general administration which the school board may desire from time to time. According to the Honourable the Minister's amendment, it merely says



[Mr. N. A. Bechar]

that whatever suggestions the school board may make, the local authority may turn them down and make the appointment as they like. I do not think that that is a proper way of doing the thing. He has pointed out a case of one or two municipalities as instances of refusal to make recommendations at all. If that is the position, he could have brought a separate amending bill so as to make it possible for municipalities to appoint officers where the school-boards fail to make recommendations by a particular date. But to say that merely because one or two school boards have not thought fit and proper on account of certain difficulties which they may have with the parent body, that the whole power of the school board to make the recommendation should be taken away is very surprising, to say the least. In the Karachi school board we have not had that difficulty at any time and the Honourable the Education Minister has not shown to us whether any local authorities or school boards have approached him with the request for a change of this kind. He merely quoted one municipality, that of Surat or some other place, but I think that is not sufficient to justify his doing away with an important provision like this. Whatever may be the general idea now prevailing in the House with regard to the Education Act, the fact remains that these school boards have usually been regarded as some thing very superior to other sub-committees appointed by municipalities for various functions and when once the budget is passed, the school board has the fullest authority to go on spending and administering their department.

There is a special fund created for the use of the school board for educational purposes. The fund goes on accumulating and the chairman of the school board has got the power to draw upon this fund. Such power is not exercised by other sub-committees of the municipalities. It is only in the case of the school boards that all these powers have been given and if no extra powers are given to the school boards, I do not know where was the necessity of having this separate Act. The District Municipalities Act has already made provision for primary education. Only the Government has committed themselves to contribute something by statute to the extent of half the expenses. That is the only difference ; otherwise, this would merely be a sub-committee of the municipality and as such a separate Act would hardly seem to be necessary. I think the local authorities ought not to trample upon the power which has been given to the school boards.

Rao Bahadur R. R. KALE (Satara District) : Sir, I will add only one word. I was present when the Primary Education Act was discussed in Select Committee and I was also present when the District Local Boards Act was so discussed, and I am prepared to say that my honourable friend Mr. Swaminarayan is not correct when he states that when the Act was framed, the intention was to give the school board the right of appointing its own administrative officer. In fact, certain clauses which now appears in the Primary Education Act were also in the Local Boards Act and therefore they were taken out from the latter and embodied in the present Primary Education Act, and therefore it seems to me that

[Rao Bahadur R. R. Kale]

there was no intention whatsoever to give the power independently to the school boards to make the appointments of administrative officers. Virtually, now, in fact the section is not capable of any other interpretation but that, but somehow a doubt has arisen and I only wish to say that the original intention was very clear.

Mr. M. S. KHUHRO (Larkana District): Sir, I am a member of a district local board and also of its school board. I think the school board should be given full powers of supervision and control because it is not possible for the president of a district local board to look after the affairs of the school board in addition to the affairs of the district local board. In the case of a municipality, there is a compact area and the president of a municipality can therefore afford time to look after its affairs personally. In the case of a district local board with a very large area under its control, it is not so possible. I would like to know from the Honourable the Minister for Education whether his present suggestion has emanated from any presidents of local authorities or of school boards. I do not think that it has come from the presidents of school boards. The administrative officer is the direct subordinate of the school board and his actions are controlled and supervised by the chairman of the school board. The chairman knows more about the working of the school board's affairs than the president of the local authority. I think therefore that it will not be desirable to create discord between the president of a district local board and the chairman of its school board, which would be the result if the bill is passed. Already there are many complications with the consequence that proposals submitted by the school board are thrown out for insufficient reasons and for reasons of prejudice, etc., by the local authority. If the power of the school board is further reduced as is now sought to be done, the school board administrative officer will be likely to grow more and more independent of the chairman of the school board knowing, as he would, that he was the creature of the local authority and that he could afford to set at naught the authority of the school board. That is my difficulty and I hope the Honourable the Minister will try and solve that difficulty and tell me what has actuated him to bring forward the present bill.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I rise to support the bill. I must say that my honourable friend Mr. Swaminarayan is clearly under a wrong impression. His idea is that if the proposed amendment to section 9 of the Primary Education Act is passed there will be a deadlock in the administration of the school board's affairs. The honourable member is entirely mistaken in holding the view. I think, he must be aware of the rules framed by Government and of powers given them under free and compulsory Primary Education Act. Under these rules it is the local authority which creates the school board. That being so, there is no reason why there should be any discord between the school board and the local authority. The party which is in majority in the local authority shall certainly command majority, even in the school board. Under ordinary

[Rao Bahadur S. N. Angadi]

circumstances therefore, there should be no hitch between the school board on the one hand and the local authority on the other. The section, as it stands, is likely to be misinterpreted and to obviate the difficulty of double interpretation on the wording of the section I think the amendment should be passed. The local authority is the supreme body creating the school board. Therefore, I think it is necessary that the important post of administrative officer should be filled by it, and not by the school board though the wishes of the latter should be given due consideration ; and as I stated before, there is no reason why there should be any discord between the local authority and the school board. It is hardly in one case out of a hundred that some discord may arise. In view of the facts disclosed in the speech delivered by the Honourable the Minister for Education, it is necessary to have the proposed amendment. I therefore give my whole-hearted support to it. I hope the House will take a dispassionate view of the proposed legislation and allow it to be passed.

Mr. N. E. NAVLE (Ahmednagar District) : Sir, I rise to oppose the amending bill that is before the House. Sir, the Act, as it stood, provided that, on the recommendation of the district school board the local authority was to make the selection of the administrative officer. Now, I do not find exactly what was the difficulty with which Government were confronted. The local authorities have worked very well ; the school boards recommended their own men for the appointment, and the local authorities appointed the men. I do not know whether Government have any case of any serious tension between the local authority and the district school board, and I cannot see the reason which prompted Government in bringing in this amending bill. I find that every attempt is being made on the part of Government to deprive the district school boards of their powers. I may bring to the notice of the House that, as far as the district school board of Ahmednagar is concerned, Government have passed a special Government Resolution for that district school board only, and not for the rest of the presidency, that even the supervisors are to be appointed by the district local board and not by the district school board. That is really strange. So, I find that every attempt is being made on behalf of the Government to shear the district school boards of their powers, which they legitimately claim under the Act and the rules made thereunder, and this is a new attempt to deprive the school boards of their powers.

Sir, I consider that if this amending bill is passed and comes into operation, then what will happen is exactly this : there will be great tension between the district school board and the district local board, because the administrative officer, if he comes to be appointed by the local authority, will be an officer of the district local board and not of the district school board ; he will rule over the heads of the members of the district school board, because his master is the local board and not the school board. He will override the decisions of the school board, do things in his own way, and try to create dissensions among the members of the school board. Thus, there will be greater fight. There is already

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a little tension between the district school boards and the district local boards, not on account of the appointment of the administrative officer, but on account of certain other matters, and if the appointment of the administrative officer is left into the hands of the district local board, then it will create further dissensions between the two bodies. For the harmonious working of the two bodies, it is highly essential that an officer of the standing of the administrative officer should be a man selected and appointed by the school board, because he has to supervise over the work of the supervisors, who are the servants of the school board. Hence, the former arrangement was quite good. I do not see any reason why this amending bill is brought, and I do not think this is going to solve the problem. This will create more tension and more difficulties and more discord in the present circumstances. I therefore oppose the bill.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I rise to support the bill. The section, as it stands in the Act, at present has been responsible for great tension between the local authorities and the school boards, and if there is anything to say at present, it is only this, that this amending bill has been brought none too soon. The Honourable Minister gave only one instance of the Surat Municipality about the appointment of the administrative officer, with regard to which there is tension between the local authority and the school board, but I will give other instances also. I may cite instances of Bulsar, Rander, and other places. Everywhere, you will see that, on account of the recommendation to be made by the school board, tension has been created at the time of the appointment of the administrative officer. My honourable friend Mr. Khuhro says that by giving the right of appointment to the local authority, the power of the school board will be taken away. I cannot see how by the appointment of the administrative officer by the local authority the power of the school boards is going to be diminished or taken away. It must be remembered that the school board is a body created to function under the local authority. That was the spirit of the Act, and section 4 (1) of the Act says :

“ From such date as the Government may direct in this behalf in respect of each school board, and subject to the general control of the local authority, the school board shall exercise and perform such powers and duties as may be enacted in or prescribed under this Act. ”

Sub-section (4) of section 4 lays down :

“ The school board shall further exercise such powers and perform such duties in respect of any educational purpose as may be delegated to it by the local authority or any such municipality as aforesaid. ”

Therefore, as far as the powers of the school board are concerned, they are to be delegated to it by the local authority. It is the local authority which has to pay for the administrative officer, in fact for the whole of the administration of the school board, and it is but right that the local authority should have the power of appointing the administrative officer. The school board is a subordinate body, under the general control of the local authority, and it is but fair that the power of the appointment of the administrative officer should be kept in the hands of the local authority, which is the bigger body responsible for the expansion of education

[Rao Bahadur B. R. Naik]

in the area under its control. Therefore, I say this is a wholesome amendment of the Act which was required long ago, and I whole-heartedly support it.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division): Sir, I rise to oppose the bill. The point is that the school board is constituted on quite a different principle from that upon which the local authority is constituted. In the school board you find that there are so many communities represented as well as an educational expert is also given a seat. Therefore the recommendation which they make to the local authority is based on some principle. It is just possible that in the bigger body, namely, the local authority, the educational expert, and the representatives of other communities, may not be present but the school board must consist of all of these persons. So, their recommendation really deserves to be respected. The amending bill makes the position of the school board quite different to what it is at present, that is, it makes the school board completely subordinate to the local authority. Moreover, when the administrative officer is appointed by the local authority, as he will be under this bill, he will not be as amenable to the school board as he will be to the local authority. For all time, the administrative officer is subordinate to the school board, and everything that he does is done under the guidance of the school board. If he is to be appointed solely by the local authority, he will not pay so much attention to the orders of the school board as he will do to the orders of the local authority.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, the Honourable Minister has brought forward this bill to give power to the local authority to make the appointment of the administrative officer of the school board. I am not able to understand which school boards the Honourable Minister has in mind as instances in which the appointment of the administrative officer by the school board has led to loss. Sir, as a member of the Karachi municipality, I may say that this power has been enjoyed by the school boards only for three years, and during that period I think the selections of the school boards for this post have been approved by Government. Now, the school boards are constituted of men chosen by the local authorities, and they are selected after due consideration. The Karachi municipality has got the power of appointing its own administrative officer. If the municipality does not like his work it will dismiss him. The power to appoint the administrative officer should vest in the municipality or local board concerned.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am surprised at the way in which the discussion has proceeded. So long as the Act remains we have got the admitted fact that the appointment of the administrative officer who is the chief executive officer of the school board is dependent on the will of the local authority. Now, there is no question of the appointment of the administrative officer independent of the local authority or the Government. All honourable members who opposed

[Mr. B. G. Pahalajani]

this amendment have proceeded on the assumption that the power of appointing the administrative officer is given by the Act to the school board and not to the local authority. At present the power of appointing the administrative officer is given so far as local authorities are concerned to the local authorities. The school board is only to make a recommendation but he is to be finally appointed by the local authority, with the approval of Government. So the grounds, on which the discussion has gone on so far involves a fallacy. The whole question is this : whether deadlocks created by the interpretation of the present rule should not be remedied. Some instances have happened where the school board recommended one man and the local authority did not care to appoint him. The recommendation being there the honourable member the Legal Remembrancer interpreted that so long as there is only one name recommended the local authority cannot appoint another whose name has not yet been sent up. In that case the school board receives the papers with this note of its intention from the local authority. If the school board sends some names with their recommendation and the local authority does not agree with it, it involves the return of the papers again. So, in the appointment of the administrative officer there is always a danger of papers being passed between the school board and the local authority, when there is a difference of opinion between the two bodies with regard to the appointment. This deadlock can be avoided by the municipalities or district local boards concerned selecting a man of their choice without sending back the papers to the school board. With that object this amendment has been brought, which will have the effect of saving a good deal of time and expenditure. There is nothing revolutionary in this amendment as honourable members think. It is only to remove deadlock and prevent waste of time and money that this is brought.

Mr. R. S. ASVALE (Bombay City, North) : Sir, the amendment before the House is not at all revolutionary. We have to see to this whether the administrative officer is under the school board or the local authority. If powers have been given only to the members of the local authority to appoint or recommend the name of a certain man without even the recommendation of the school board then that officer who will be appointed by the local authority will never care for the suggestions of the members of the school board, which is the foremost body to look after the primary education and because he will then care for the suggestions of the members of the local body. He will not be under the supervision of the real body who is to look after the education. There will be no harm, as has been pointed out by the honourable member Mr. Pahalajani, in keeping the recommendation of that body—the school board—under which this officer has actually to work. If such power is not kept then the school board will be of no value to this officer and the work that will have to be exacted from this officer by the school board will not be exacted in the manner they desire. I do not see any reason why this amendment should be pressed at all at this stage. It would not do any harm if the Honourable

[Mr. R. S. Asavale]

Minister does not press for it because they have already passed the Act wherein they have given the power to the local authority to send the name or names of the officers with the recommendation of the school board to the Government for sanction. I do not see any reason why the amendment should be pressed by the Honourable Minister in charge. With these few words I oppose the first reading of the Bill and request once more the Honourable Minister to accept the suggestions put before him by some of the honourable members in their speeches.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, this amending bill has to be brought for the purpose of the removal of doubts on the interpretation of section 9 (1) of the Act for avoidance of conflicts which have hitherto taken place. I may state one instance which I have already cited in detail. One man was recommended by the Surat school board but the local authority did not accept that recommendation and appointed another person as administrative officer. Thereupon the chairman of the school board raised a question and made a reference to Government long before I took charge. The Remembrancer of Legal Affairs interpreted the section to the effect that the local authority was only to take the recommendation into consideration but was not bound to accept that recommendation. Thereafter, the chairman of the school board, Surat, wanted the opinion of the Advocate General of the Government of Bombay, and the matter was referred to him. The Advocate General said that the words as they stood were open to the interpretation which the Surat school board chairman pressed. Consequently, Government had two conflicting opinions from their legal officers. When I took charge the matter came up before me, and as I was a member of this honourable House when the original bill was before the House and also on the select committee which considered that bill, and knew the intention of the legislature in inserting the words "on the recommendation of the school board," I could not see my way to recommend to Government that they should accept the opinion of the Advocate General. Thereafter, what happened was, that a nominated member of the Surat school board gave notice of a suit against the Secretary of State for India in Council, because Government had approved of an appointment made by the local authority which was not made on the recommendation of the school board. In these circumstances, it was absolutely necessary to remove all doubts by putting in the proper words so that conflicts might not arise in the future. That is why the words "after considering the suggestions, if any," are sought to be put in, in place of the words "on the recommendation."

My honourable friend from Karachi referred to the District Municipal Act, but I may say that municipalities or local boards which are recognised as local authorities under the Primary Education Act, are for the purposes of primary education under the operation of the Primary Education Act and not under the operation of the other Acts. It is to set at rest all the difficulties and all the conflicts that this amending bill has been brought.

[Dewan Bahadur Harilal D. Desai]

It has been said that the school board was intended to be an autonomous body. Those honourable members who have said so have either not carefully read the Primary Education Act or have misunderstood it. Section 4 of that Act which was quoted by my honourable colleague distinctly says that the school board is to be under the general control of the local authority. It has also been pointed out by me that it is the local authority which finances the school board, and it is therefore in the fitness of things that it should have the power of appointing the administrative officer of the school board, and that is why this power has been given to it under section 9. Again in section 4 (4), it is provided :

"The school board shall further exercise such powers and perform such duties in respect of any educational purpose as may be delegated to it by the local authority or any such municipality as aforesaid."

That shows that the local authority is the supreme body, or the parent body, and the school board is a subordinate body which has to exercise only such of the powers as are delegated to it by the parent body, the local authority. Then, again, in section 10 we find :

"A local authority may by resolution declare its intention to provide compulsory elementary education....."

So that it is not within the power of the school board to declare its intention to have compulsory elementary education, but it is for the local authority to declare its intention. In clause (3) of section 10, it is provided :

"Every local authority shall, within the prescribed period, prepare as complete a programme as possible for the universal introduction of compulsory education within the area....."

I have quoted to the House the salient provisions of the Act to show that the general scheme of the Act is to regard the local authority as the supreme body. The present scheme of the Act has to be maintained. Any honourable members can bring forward a bill to make the school board quite independent of the local authority, giving it powers of taxation so that it can have its own revenue and finance. When such a bill comes before the House, it would be quite another matter. But as long as this Act is in force, for the removal of doubts, it is absolutely necessary that we should amend section 9 in accordance with the scheme of the Act. Therefore, this amendment should be accepted by the honourable House.

Bill read a first time. Question put and carried.

The Honourable Dewan Bahadur HARILAL D. DESAI : I now move Second reading. that the bill be read a second time.

Bill read a second time. Question put and carried.

*Bill read clause by clause*

*Clause 2 (amendment of section 9 of Bom. IV of 1923).*

In sub-section (1) of section 9 of the Bombay Primary Education Act, 1923, for the words "on the recommendation" the words "after considering the suggestions, if any," shall be substituted.



Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I move that :

In clause 2 add the words "inviting and" after the word "after" in line 6.

Sir, the object of moving this amendment is that in the case of conflict....

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member need not make a speech. I am prepared to accept his amendment, to meet his wishes. The section as amended would read :

"The local authority shall, after inviting and considering the suggestions, if any, of the school board, etc., etc."

Question put and carried.

Clause 2 as amended ordered to stand part of the bill.

*Clause 1 (Short title).*

This Act may be called the Bombay Primary Education (Amendment) Act, 192 .

Mr BALAK RAM: I move that :

In clause 1, add the figure 7, after "192".

Question put and carried.

Preamble and clause 1 as amended, ordered to stand part of the bill.

Third reading. The Honourable Dewan Bahadur HARILAL D. DESAI: I move the third reading of the bill.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed into law.

## **BILL NO. XXXII OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY PUBLIC CONVEYANCES ACT, 1920)**

*(Motion for first reading.)*

The Honourable Mr. J. E. B. HOTSON: Sir, I introduce Bill\* No. XXXII of 1927 (A Bill further to amend the Bombay Public Conveyances Act, 1920).

The Honourable the PRESIDENT: Bill No. XXXII of 1927, a Bill further to amend the Bombay Public Conveyances Act, 1920, is introduced.

The Honourable Mr. J. E. B. HOTSON: Sir, I move that this bill be  
First reading. read a first time. For the third time in these two days I have to ask the indulgence of the House for one of my small indiscretions, on the ground that it is a very little one. This is not quite as small a ore in point of bulk as the other two. But it is perhaps of even less general importance. It is merely designed to make one or two trifling amendments in the Bombay Public Conveyances Act, which have been found to be necessary owing to the experience of the last seven years. For the most part, the bill aims at making the Act somewhat less rigid leaving to the local authorities to settle by rules various small points on which it has been found that the Act as it stands now is unnecessarily

[Mr. J. E. B. Hotson]

rigid. For instance, the Act says that all the horses must be branded. Well, in some places the Commissioner of Police and the other local authorities consider that branding is unnecessary and that other marks of identification are sufficient. This bill proposes to leave that to be settled locally. Similarly, the Act says all drivers of public conveyances must, in certain circumstances, carry badges with them. This bill proposes to leave it open to the local authorities whether they shall have badges or not. In the last clause 14, we propose to say that conveyances which are kept for hire and are ordinarily let for hire, but which do not ply for hire should be brought under such of the provisions of the Act as are thought proper. They cannot be brought under all the provisions of the Act because it is quite clear that these conveyances are intended to resemble private conveyances, so that those who make use of them may not appear to be going in a hired conveyance and so they do not want to have numbers, registration marks, and so on. There are various other minor matters in which it is not necessary that the provisions should be fully enforced.

Then, there is a small matter as regards the fees. The fee charged at present for inscription of particulars upon a public conveyance is one-half of the rate chargeable for the grant of a license. It has been found in many cases that that rate is higher than is necessary, and we take power here for the Commissioner of Police or other local authorities to fix a sum representing the actual cost instead of this fixed figure. These are very small matters. If any honourable member wants an explanation as to any other clause, I shall be very ready to give it. Meanwhile, I propose that the bill be read a first time.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Sir, I do not think there will be any harm in allowing this bill the first reading. But there are two or three clauses that are very objectionable and I hope the Honourable the Home Member in charge of this bill will take into consideration the serious harm which is likely to occur to the poor people who might be owning one single gharry or conveyance. Sir, clause 12, which is proposed to be inserted in the bill, gives power to the Commissioner of Police to levy a fine up to Rs. 50. Sir, I have never known that the Commissioner of Police, whose assistants and the officials in his department make a complaint to the Commissioner of Police, should himself take cognizance of certain breaches of rules and himself levy a fine which may extend to Rs. 50. Up to now, I do not know, Sir, what the provision in the Bombay Public Conveyances Act is, but I am sure, Sir, the commonsense procedure, as the law has stood so far, is that any one who commits any particular offence against a particular section of an Act is hauled up either before an honorary magistrate or other magistrate, and then the man prosecuted has the right of being heard. He either takes his own lawyer or himself makes out a case that he is innocent, and ultimately he either gets let off or, if he is found guilty, some fine is levied. But here, Sir, the Honourable the Home Member wants to give the power of

[Mr. N. A. Bechar]

inflicting a fine on these poor gharriwallahs to the extent of Rs. 50 on his own executive authority. I think, Sir, this is a very harmful clause and I know how much the gharriwallahs are suffering to-day on account of the harassments of petty officers. They do not earn sufficient money to maintain themselves, and their gharries and horses, and on the top of this, the Honourable the Home Member wants to make the Act so stringent that the gharriwallahs can be fined to the extent of Rs. 50. This is a very harmful provision and I am sure, if this bill goes to the select committee, they will see that this clause is so modified as to give all safeguards against such arbitrary authority now sought to be given to the Commissioner of Police.

Then, again, Sir, if you will refer to clause 14, not one word, either in the objects and reasons of the bill or in the speech introducing this bill made by the Honourable the Home Member, has he tried to show that any strong difficulty has arisen in the matter of conveyances which are a matter of private arrangement between one individual and another. He does not like, for all practical purposes, to halt at any stand which the Commissioner of Police may fix in any particular place, but makes his private arrangement with an individual that he will give his gharri, and I know in Karachi in so many cases a man who owns a gharri goes and arranges with a gentleman who has not got a gharri of his own and wants to hire out on monthly terms, and it is taken for all practical purposes as a private conveyance. Yet, the Honourable the Home Member wants to bring even these conveyances now under this Public Conveyances Act and wants to charge him fees and wants to unnecessarily bring them into his clutches. Sir, I am strongly against these poor people being harassed in this manner.

Then, again, Sir, I want to go to clause 7. It is stated that if an owner of a gharri or a conveyance leaves his city or a place where he is working, he must give a notice to the Commissioner of Police. Now, Sir, I do not know what particular object is served by this clause. As you know, so many of these poor people are illiterate, ignorant people, and it is difficult for them to give notice or even to know the provisions of the Act and to always be careful while going out to give notice and to avoid the penalty which the infringement of any particular rule may entail upon them. We are all for making the laws so elastic that things might be carried on pretty well without any difficulty, but if in every little thing a man has got to submit himself to a number of harassments and if his liberty is going to be restricted even to the slightest extent, then, I do not know what good purpose these laws are intended to serve.

There are other small points which I do not want to raise, but I hope that these three particularly obnoxious clauses will be removed from this bill or at any rate will be so amended that they will not operate harshly upon the poor gharriwallahs who are already starving. They are already suffering under various grievances and they have made so many complaints of harassments by police constables and by police officers in Karachi that their life has become absolutely intolerable.

[Mr. N. A. Bechar]

They often in despair give up their profession and are unable to earn their livelihood in any other way. I do not think in these days of depression the Honourable the Home Member wants to deprive so many additional people of their means of livelihood by making the laws still more stringent than they are necessary. These three clauses are most obnoxious and I do not desire to be a party to their passing in this House.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I support the first reading of this bill. I presume that this bill is going to a select committee because it needs certain very important alterations and if I have the privilege of serving on that committee, I shall point out to the Honourable the Home Member certain defects in this bill which according to my experience as an honorary magistrate in Bombay have come to my knowledge.

Clause 6 in this bill says the word "may" should be substituted for word "shall." This is a very dangerous amendment especially in so far as it affects the city of Bombay. Unfortunately, it is my very sad lot to say that the majority of victoriawallas in Bombay are not as a rule gentlemen of very good repute and they require, as a class, very severe supervision by the police authorities. To allow any victoria driver to drive a victoria without a badge on his breast will jeopardise the safety and the security of the passenger public. I shall point out certain instances in the select committee, if I may, of certain victoriawallas who appeared in police courts because they took out their badges and carried on their profession for very sinister and evil purposes.

I now come to clause 7. That clause is really very dangerous as it stands. It says that if a licensee of a public conveyance goes away to his native place for a period exceeding fifteen days he has only to communicate his going away to the Commissioner of Police and the name of his substitute, and that if he is absent for more than fifteen days, that substitute can go on plying for hire.....

The Honourable Mr. J. E. B. HOTSON: On a point of correction. That applies to the owners of licensed vehicles, not to licensed drivers.

Mr. P. J. MARZBAN: I am very glad to hear that. But what happens to the licensed drivers?

The Honourable Mr. J. E. B. HOTSON: No other person can drive, only licensed drivers can drive and if the licensed driver goes away, nobody else can drive.

Mr. P. J. MARZBAN: I am very glad to hear that too.

Then I come to clause 8. This clause gives the Police Commissioner the power to establish or abolish a stand at his sweet will. I understand that the general practice is that the Police Commissioner as a rule notifies in the public newspapers his intention to establish or abolish a stand. That is a very salutary practice, but this clause distinctly says that the Police Commissioner may establish or abolish a stand, and he may or may not consult the residents of that particular locality in which that stand

[Mr. P. J. Marzban]

comes to be established or abolished. I should be grateful if the Honourable the Home Member would explain this point, although in the statement of objects and reasons the Honourable the Home Member says that clause 8 calls for no remarks. Sometimes the establishment of a stand in the midst of a locality might prove very objectionable to the residents of that locality and I, therefore, think that it is necessary to have some sort of a safeguard against that.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to support the first reading of the bill but at the same time I would like to bring to the notice of the House that owing to the increasing traffic in taxis and buses that have been lately started in Bombay by the Tramway Company, the victoriawallas have suffered very much, and therefore clause 12 (3) appears to be very harsh as it gives to the Police Commissioner the power to fine up to fifty rupees. That I think is a very arbitrary measure.

As regards the charge levelled by my honourable friend Mr. Marzban against the victoriawallas that they come from a class of ill repute, I must say that these victoriawallas come from a very respectable class of weavers and cultivators from Sidhpur in Gujarat and I do not think that my honourable friend's charge is correct.....

Mr. P. J. MARZBAN: What experience has my honourable friend Khan Saheb Mansuri of Bombay drivers?

Khan Saheb A. M. MANSURI: Most of the victoriawallas come from a place within 30 miles of Ahmedabad and I know many of them very intimately. They are already suffering very heavily and I hope their sufferings will not be added to.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to support the first reading of the bill brought forward by the Honourable the Home Member. No doubt my honourable friend Mr. Marzban (Bombay) has stated that clause 7 should not be allowed as it stands at present as it states that any driver may have a badge or not. I also am of opinion that a driver must have his badge and therefore the word "may" should not be there in the Act but the word "shall" should be there. We know of so many cases occurring in a big city like Bombay wherein passengers have been robbed by some of the cartmen and victoriawallas and the offenders have never been traced in the absence of such badges. Just as my honourable friend Mr. Marzban is an honorary presidency magistrate, so also I am an honorary presidency magistrate in Bombay and I have got full experience of such matters. There does not seem to be much truth in the grievances against the agents set forth in the petition submitted by their association. To my knowledge many cases come before honorary presidency magistrates and we treat them as honestly as we can and there is no complaint about the agents as has been stated there. I however differ from my honourable friend Mr. Marzban when he runs down the class of victoria drivers as people of ill repute. They are most of them honest and hardworking people, working for their bread and hardly merit the charge levelled against

[Mr. R. S. Asavale]

them by my honourable friend Mr. Marzban. If this bill is referred to a select committee, I believe all these points can be suitably settled. With these words I resume my seat.

The Honourable Mr. J. E. B. HOTSON : Sir, I believe that I could, in a few minutes, answer all the objections that have been made, but since I see that there is a general desire that the bill should go to a select committee, I will not take up the time of the House to-day in dealing with those objections, but will leave them all to be settled when the select committee comes on, if the House will give the bill a first reading to-day.

Bill read a first time Question put and carried.

The Honourable Mr. J. E. B. HOTSON : Sir, I move that the bill be referred to a select committee, which will consist of

Mr. N. A. Bechar,  
Mr. P. J. Marzban,  
Khan Saheb A. M. Mansuri,  
Mr. R. S. Asavale,  
Khan Bahadur S. N. Bhutto,  
Mr. Syed Munawar,  
Mr. J. C. Swaminarayan,  
Mr. Bole,  
The Home Secretary (Mr. Monteath).  
The Remembrancer of Legal Affairs, and  
The Honourable Member in charge,

five to form a quorum, and the committee to report before the next session of the Legislative Council.

Mr. P. J. MARZBAN : Will the Honourable Member agree to put the name of Mr. Nariman on the select committee ?

The Honourable Mr. J. E. B. HOTSON : I shall be very glad to have Mr. Nariman on the committee.

Question, that the bill be referred to a select committee consisting of

Mr. N. A. Bechar,  
Mr. P. J. Marzban,  
Khan Saheb A. M. Mansuri,  
Mr. R. S. Asavale,  
Khan Bahadur S. N. Bhutto,  
Mr. Syed Munawar,  
Mr. J. C. Swaminarayan,  
Mr. S. K. Bole,  
The Home Secretary (Mr. Monteath).  
The Remembrancer of Legal Affairs,  
Mr. K. F. Nariman, and  
The Honourable Member in charge,

five to form a quorum and the committee to report before the next session  
Bill referred to Select Committee of the Legislative Council, put and carried.

The Honourable the PRESIDENT : That ends Government business for the present, except those matters which come up on Monday. Beyond that, there is nothing else ?

The Honourable Sir CHUNILAL MEHTA : No, Sir.

The Honourable the PRESIDENT : The House knows that to-day was the day for private business, and as promised by the Honourable the Leader of the House, the House will get for private business credit for the number of hours taken up by Government business. Government business started at 2-30, and went on till 4-30, that means 2 hours, and after lunch from 5 to 5-30, that means 2½ hours in all, but an extra half hour was given by meeting earlier. Therefore, Government has taken up 2 hours, and those 2 hours, I suppose, the Honourable the Leader of the House hopes to make up by sitting half an hour earlier every day for the rest of the days.

The Honourable Sir CHUNILAL MEHTA : Yes, Sir.

The Honourable the PRESIDENT : There is one matter which, I hope, is understood clearly by the House. The Mahul Creek Bill has been referred to a select committee, and the committee is to report by Monday next, and the further consideration of the Port Trust Bill has also been postponed till Monday next. The time that would be required for the consideration of the two bills, I understand, the House agrees would be included in the time for private business.

Rao Bahadur R. R. KALE : May I suggest that the time taken up for these two bills might perhaps be made up by sitting from 1 p.m. instead of from 1-30 p.m. ?

The Honourable Sir COWASJI JEHangIR : May I point out that there was a desire in the House to consider a little further the bill to amend the Port Trust Act which otherwise would have been taken up to-day ? There was a strong desire also that the Mahul Creek Bill should go to a select committee, and I understood that honourable members would therefore, on the understanding that one of the bills should go to a select committee and the discussion of the other should be adjourned, allow both bills to be brought up and disposed of as quickly as possible on Monday, and that they would take that in the time allotted for private business. I thought that was understood on all sides of the House. The discussion will take place naturally more or less in the select committee, and therefore that will save the time of the House which otherwise would have been taken up to-day.

Rao Bahadur R. R. KALE : Supposing we finish the two bills in one hour on Monday, I submit that that one hour might be made up on Monday and Tuesday by meeting at 1 p.m. instead of at 1-30 p.m.

The Honourable the PRESIDENT : The President will have to be assured very strongly by the honourable member Rao Bahadur Kale that he takes the guarantee that there will be only one hour spent over the discussion of the two bills.

Rao Bahadur R. R. KALE : I cannot take any guarantee. I think, after the select committee stage is passed, it will not take more than an hour. Anyhow, I think we should sit from 1 p.m. to-morrow. I think that would be fair to non-official business.

Mr. N. A. BECHAR : Last sessions, we gave up no less than four days from private business to Government business. This time, Sir, the Honourable the General Member, for the sake of his own convenience, desired that the bill should come up for second and third readings on Monday.

The Honourable Sir COWASJI JEHangIR : It was not at my instance.

Mr. N. A. BECHAR : If he had proceeded further with the bills to-day, would he not have taken time ? I am sure going through the bill clause by clause, with all the contentions involved in them, would take an hour or two. Therefore, it is not right for Government to take away the time for non-official business. Hardly five days have been given to us.

The Honourable the PRESIDENT : I understand the point of view of the honourable member, and so do the members on the Government side. I hope the Honourable the Leader of the House will find out some solution.

The Honourable Sir CHUNILAL MEHTA : Sir, I must confess that the proposition put forward by the honourable member Rao Bahadur Kale is not in any way unreasonable. I promised that we would make up as much time as we took up out of the time allotted for private business for Government business. To-morrow, I am afraid, we cannot sit at 1 p.m., for the reason that the Honourable the General Member has got a select committee, and on Saturday, as you know, we meet early in the morning.

An Honourable MEMBER : Not for this Saturday.

The Honourable Sir CHUNILAL MEHTA : That is the arrangement for all Saturdays, and we shall meet on Saturday at 10 a.m., that is half an hour earlier, if that is the wish of the House, and on Monday and Tuesday we shall meet at 1 p.m. I hope that will suit the convenience of the House, and I hope that no objection will be raised if, in the consideration of the report of the select committee on Monday, more than an hour is taken.

Mr. J. C. SWAMINARAYAN : The races are now over and we may sit later on Saturdays.

The Honourable the PRESIDENT : The House had not come to the arrangement to sit from 10-30 to 2 on account of the races at all. The reason given to me was that honourable members wanted to leave for Bombay and other places. The honourable member's was an objectionable way of putting it.

I hope now the matter is clear. I shall repeat briefly what the Leader of the House has stated, so that there may be no misunderstanding. The two Government bills left over will be finished within the time allowed for official business. The arrangement suggested by the Honourable the Leader of the House is that we sit at 10 o'clock on Saturday instead of at 10-30. On Monday and Tuesday we sit at 1 o'clock. To-morrow we sit at 1-30 as arranged yesterday. I think that is the convenience given ; is it not ?

The Honourable Sir CHUNILAL MEHTA : Yes, Sir.



## PRIVATE BILLS

BILL NO. XII OF 1927 (A BILL FURTHER TO AMEND THE  
BOMBAY ABKARI ACT, 1878)*(Further consideration of the motion for first reading.)*

Mr. B. V. JADHAV : The first reading of the bill was moved at the last session and subsequently was adjourned to this session.

The Honourable the PRESIDENT : The proceedings show that the bill was moved for the first reading and before discussion could proceed an adjournment was asked for and carried. The motion for the first reading was not put to the House.

Mr. J. GHOSAL : I am very sorry, Sir, but I have to oppose the first reading of the bill in the interest of temperance and in that of the Excise policy which has been accepted by Government. The bill looks quite harmless and insignificant, but really it is a most serious amendment involving far-reaching issues. As regards the legal aspect of the bill I do not wish to say much. I leave that to the legal experts. The only remark I wish to make is that the question of possession has always been regarded as one of fact and I think that it is impossible to define it. If it is defined it will only make matters much worse. Again I cannot imagine of any possession being absolutely exclusive. Suppose in a house certain things are kept in a box and carefully locked and that the key is kept on a nail and so accessible to others. Theoretically, therefore, anybody could open the box and no one in the family can be prosecuted for having exclusive possession or control. Let us take another instance. Suppose that a man is arrested because he had a small flask of illicit liquor in his pocket. He cannot be convicted. He would say "How can I be guilty? Some days ago somebody put his hand into my pocket and removed what was there. It is quite as easy to put something into my pocket as picking something out of it. I have, therefore, no exclusive control." I would again repeat, no possession can be regarded as absolutely exclusive.

What I want to impress on the House is the departmental view. If this amendment is accepted we cannot have even a single prosecution and there will be no sale of illicit liquor. The honourable member Mr. Patil referred to one particular case. He knows the facts of the case well, because he appeared in that case both in the original as well as in the appellate courts. In that case a man was convicted because some material was found in his field. There was other circumstantial evidence to prove the case. For instance dried mhowra refuse all round the field showed that illicit distillation had been going on for a long time. If he was not responsible and if he was a man who took interest in his field or crops these materials found in and around his field must have been noticed by him. This is really a question of fact which was gone into fully by the court. Unfortunately the honourable member from the very beginning of the case insisted upon the right of exclusive possession, a line of defence which cannot be claimed either under this Act or any other act. I know the honourable member in his speech quoted the following sentence from the judgment as showing the attitude of District Magistrates :

"The spirit of section 53 makes an accused culpable for what is found in his field unless his defence is satisfactory."

[Mr. J. Ghosal]

I hold in my hand a copy of the judgment. The honourable member might have quoted the first part also of the sentence above which runs as follows :

" I hold that in this case, possession does not mean exclusive control, such as one has over coins in one's pocket. "

In other words, the court held that the plea of exclusive possession or exclusive control could not be upheld. This is why my honourable friend now wants to define possession as " exclusive control. "

I fully sympathise with the object of the honourable member who wants to ensure that the innocent will not be punished but the effect of the bill will be that the guilty also will never be convicted. The honourable member also said in the concluding portion of his speech that he has brought this bill with the object of defining the word " possession " in the light of the rulings of the High Court. Well, I can assure the honourable member that the rulings of the High Court are fully observed, and if they are not observed I am sure his remedy would lie in an appeal to the High Court. For then it will be a question of law and not of fact. I do not think this amendment will make it any the easier for him to insist on High Court rulings.

Before I sit down I have only one more remark to make. Strict instructions are in force that no cases should be sent up in which there was any doubt as to the *bona fides*. It is the principal duty of all supervising officers, specially Superintendents and Inspectors, when inspecting the offices or records of subordinates, to go through the files of cases and satisfy themselves, convictions or no convictions, that the investigations were properly conducted and prosecutions justified. They are responsible for seeing that there was no injustice done. I will only add finally that it would be practically impossible for the department to bring anybody to book if this amendment is passed and that it would lead to greater intemperance, and the whole administration would be upset.

Dr. M. D. GILDER (Bombay City, North) : Sir, I rise to oppose the bill brought forward by my honourable friend Rao Saheb Patil. The bill looks on the face of it very innocent, and it is said to be only for a formal definition of ' possession. ' But if we accept his definition we might as well scrap half of the Abkari Act ; at least all the penal clauses of the Abkari Act will be rendered nugatory. At present, the word ' possession ' is defined by the judiciary, and we shall be interfering with the discretion of the judiciary if we define it as " exclusive control. " The word ' possession ' occurs for the first time in the Abkari Act, in section 3A. That section runs :

" (1) Where any excisable article or hemp has been manufactured or sold or is possessed by any person on account of any other person, and such other person knew or has reason to believe at the time of such manufacture or sale that such manufacture or sale was on his account, or knows or has reason to believe that such possession is on his account, the article shall, for the purpose of this Act, be deemed to have been manufactured or sold by, or to be in the possession of, such other person. "

Now, if ' possession ' is defined as exclusive control, let us suppose that a person has a certain amount of cocaine in his pocket ; he knows

[Dr. M. D. Gilder]

that the police are watching him, and he passes it on to a friend of his : that friend will not have exclusive control over the article ; it will not be in the possession of the one, nor under the exclusive control of the other ; and both of them will escape. It recently happened in Bombay in connection with the Arms Act that a dacoit passed on his revolver to another man, who was perfectly innocent. If ' possession ' had been defined as exclusive control the crime would not have been brought home either to the other man or to the dacoit himself. Therefore, this definition will certainly not work.

Then again the word ' possession ' occurs in connection with " Penalties " in section 43 (h) :

" Whoever uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any excisable article other than toddy,.....

shall, on conviction, be punished..... "

You may find the still and the man actually working the still, but he may say that the still is not under his exclusive control. You cannot then punish him, and, what is more, you cannot even confiscate the still, because according to law confiscation occurs only after conviction. If the thing is not in his exclusive control you cannot take away the still from him. You will have to leave the still and the man also will be free. Thus, that will make the Act absolutely unworkable.

Then, Sir, there is section 37, which says :

" Any Commissioner, or Collector, or other abkari officer duly empowered in this behalf, may—

\* \* \* \* \*

(b) detain and search any person whom he has reason to believe to be guilty of any offence against this or other such law and, if such person has any excisable article, hemp or other thing in his possession, arrest him. "

Is that abkari officer when arresting that man going to find out whether the thing is under his exclusive control ? Is he going to find out that he actually possesses it in the way my honourable friend defines possession ? Is he going to usurp the function of the judiciary ? The definition proposed will make that section absolutely unworkable. No abkari officer will then go and arrest a man even if he actually sees him working a still.

Then, there is a section with regard to the landlord, section 43A :

" Whoever lets or uses any house, room or place, of which he is the owner or occupier or of which he has the use, in such circumstances as to indicate that he knows or has reason to believe that such house, room or place is used as a resort of importers, exporters, transporters, possessors or vendors of cocaine. . "

Is that landlord going to see whether the cocaine that his tenant has, is the exclusive property of that individual ? Is he going to hold an inquiry to find out whether it is under the exclusive control of that individual before he asks him to vacate the house ?

Then, Sir, there is section 54, dealing with confiscation which says :

" Whenever an offence under this Act has been committed,

(a) any excisable article, hemp, mhowra flowers, materials, still, utensil, implement or apparatus in respect of which the offence has been committed.....

\* \* \* \* \*

shall be liable to confiscation.

[Dr. M. D. Gilder]

Now, as I say, the abkari officer may go, see the still, see the man working it, but he cannot prove who the owner of it is. Therefore nobody can be brought to account and nobody can be convicted. The man may say that he has no exclusive control, and you cannot confiscate the still, the still will remain and go on working.

On these grounds I oppose the bill which has been brought forward by my honourable friend Rao Saheb Patil.

Mr. K. M. MUNSHI (Bombay University): Sir, however much one may admire the laudable object with which the honourable mover has brought forward the bill, in the form in which it stands it is difficult for any lawyer member to give support to it. . . . (An Honourable Member : The mover is himself a lawyer). . . because the definition which he seeks to give to the word 'possession' is very often contrary to what that word means in law. He wants to define 'possession' as exclusive control. Neither in the language of law nor in the language of the laymen 'possession' necessarily means exclusive control. In a large number of cases goods are held to be in 'possession' if they are in constructive possession or under the order and disposition of the person without necessarily being under his exclusive control. Therefore, the bill as it stands is one to which it is difficult, if not impossible, to give support. The real definition of 'possession' would include cases of goods held under the order and disposition of a person or held by any one on his behalf and to his knowledge. The honourable member Mr. Ghosal has stated that orders have been issued by the department to that effect. Really speaking 'possession' ought not to be construed in one way in one Act and in another way in another Act. And therefore if the ordinary legal meaning which is attributed to the word 'possession' and which is given in the decisions of the courts is to be attached to this word in the Abkari Act there will be no trouble. I do not think there is any reason why the Honourable Minister should not concede to the mover of this bill the position that the word 'possession' under the Abkari Act will mean what it means in any other Act of the legislature. It is impossible to support the bill as it stands and therefore I am afraid I will have to oppose it.

Rao Bahadur R. R. KALE (Satara District): Mr. President, I only wish to say a few words. The object with which the honourable mover has brought forward this bill is merely to define the word 'possession.' The word 'possession' has been interpreted in a ruling of the High Court in the case Emperor *versus* Hariram Sonar, It is a case of coining and the principle is quite clear. That is to say :

"And to establish such possession it is not sufficient I think to show that the object in question was in such a possession that the accused, if he had known it might have exercised power or control over it. There must further be evidence of some circumstance indicating that he intended to exercise such power or control or that he knew that he could do so at will. . . . ."

I think it is obvious that the possession contemplated is not possession which has never been voluntary : and that for the purpose of bringing home to any person the voluntary possession of any object, the mere proof of a fact of which he knows nothing, would be valueless."

[Rao Bahadur R. R. Kale]

My point is that mere possession as is understood is not possession which the law really regards as sufficient for charging a man. The difficulty will arise if we have regard to section 53. the punishing section. In that section the presumption is contrary to the ordinary presumption in all evidence. That is supposing a man has with him stolen goods, the presumption is not that the goods are stolen, but it will have to be proved.

The Honourable Mr. G. B. PRADHAN : May I correct the honourable member.....

The Honourable the PRESIDENT : The honourable member does not yield.

Rao Bahadur R. R. KALE : The Honourable Minister does not perhaps understand what I was going to say. My submission is that even under section 53 "possession" must be first established. Then the presumption namely that a person found in possession of an excisable article will be regarded to have committed an offence under the Abkari Act is a different kind of presumption. That is a separate matter. But possession must be established by the prosecution. I would point out to the honourable mover that the word "possession" is defined in the ruling quoted above under the Penal Code and I submit that the same definition must hold good with regard to possession of an excisable article when we have to consider an offence under the Abkari Act. As the honourable the Excise Commissioner has said that possession under the Abkari Act means nothing more or nothing less than possession under any other enactment, I think there should be no fear of any injustice being committed anywhere.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I rise to support this bill. I quite admire the zeal and energy with which the honourable member the Excise Commissioner advocated the cause of temperance and the honourable member Dr. Gilder wanted to bring the criminals who were indulging in dangerous drugs to book and so forth. It is a matter, Sir, which I very empathically state cuts both ways. Just as it is very necessary to bring to book culprits under this Act it is equally necessary to safeguard the innocents who may be unconscious victims of fraud and badmashes.

Sir, possession means or ought to mean according to the Excise Commissioner conscious possession and it is possible that a man may be in conscious possession of a thing as well as be in unconscious possession of it. Suppose I have something, say a gold watch, slipped in my pocket by a magician like Mahmad Chhel for which I am not able to account ; but I am in possession of it and I may be run in by the police for it. Again, Sir, I may be in unconscious possession of it. It does not belong to me and under the Abkari Act if you prove that the article is in a man's possession consciously or unconsciously then you can bring him to book. But the onus of proving that the article is in your possession with your full knowledge lies on the prosecution. I agree with my honourable friend Rao Bahadur Kale on this point and if the honourable mover agrees to amend his bill by putting the words

[Mr. P. J. Marzban]

“possession means conscious possession” I think there will be no difficulty (Laughter). I do not know why honourable members should laugh. Suppose I have an enemy and I want to run him down. It is very possible for me to put into his possession something and my honourable friend the Excise Commissioner can run him down. This is safeguarded by the definition which I have suggested. I would be quite pleased to support any reasonable amendment to safeguard that. I support the bill.

Mr. M. G. BHOSLE (West Khandesh District) (Addressed the House in Marathi): Sir, I rise to support the bill. Generally the people who are guilty of such offences are the Bhils and Kolis. Sometimes they are really guilty and sometimes they are not. But very often they are not guilty. If I had an enemy and if he brings any excisable article and puts it in my compound it is very surprising that I should be charged with being in possession of that article. I can tell my own experience of things as they happen in my taluka. Owing to the ignorance of these poor people, the abkari officers take too much advantage. Sometimes they give these poor people good thrashing just to exact confessions, and the real offender escapes and some innocent man or men are hauled up. To prevent all these harassments, I think it would be better if the bill is passed as it is without any amendments. Sometimes it happens that Government or the authorities concerned make an offer to the poor ignorant man that, if he says he is guilty, he will not be punished and troubled in any way and will be let off by merely warning or accepting some sureties in name, and so on, and so on. In this way the poor ignorant and illiterate people are given false hopes and promises, and when once they admit that they are guilty, although in fact they are perfectly innocent, then instead of getting a reward for their having done so simply to escape harassment from the officers, they are given severer punishment if at a later stage any one is found to be really guilty; or at least supposed to be guilty. I think the bill is necessary.

Mr. H. V. PATASKAR (East Khandesh District): Sir, it is rather difficult to accept the definition my honourable friend Rao Saheb Patil gives to the word “possession.” Will that mean absolute control? Still the object with which he has brought this bill is one which deserves very serious consideration. In our districts (the District of Khandesh) there are a number of prosecutions launched under the Abkari Act. In those cases, usually the defence raised is that the man was not in possession of the article and probably on account of certain factions in the village some persons belonging to the opposite faction had kept it on property belonging to him. In all cases the defence may not be true, but there is just a possibility, that when an article is found in an open field and not in a house, that it may have been put there by some enemies with a certain motive. In such a case, really, if the word “possession” is not strictly and rightly interpreted as it ought to be and as it has been interpreted in several rulings of the High Court, what happens is that the

[Mr. H. V. Pataskar]

magistrate proceeds on the basis that, as the article was found there, that is possession. It is just possible that there are some cases of such hardship, and I think my learned and honourable friend had only those cases in view and, therefore, he proposed this definition. But I think an assurance is already given by the Commissioner of Excise (Mr. Ghosal) that in all cases the excise officers must first of all ascertain, when an excisable article is found in the field or in a place which is accessible to other people,—I think it is the duty of the excise officers to ascertain,—that it is not due to any other causes except the one that the man is given to illicit distillation. They ought to find out that it is not due to any factious spirit which may be prevalent in the village. Similarly, I think if such an assurance is given by the Honourable Minister for Excise, I think the honourable mover of the bill will not be very particular that the bill in the form in which he has brought it should be passed, because there is no doubt, as he will himself admit, very serious difficulty might arise if the bill is passed as it is and if “possession” is taken to mean “exclusive control.” Suppose, in a house there is a joint family living. As the possession is joint, nobody can be brought to book, because every one will say it is not in the exclusive control of that individual. Still, taking into consideration the spirit and the intention with which this bill has been brought, I think if an assurance is given by the Honourable Minister in the form in which the assurance has already been given by the Commissioner of Excise, my honourable friend’s purpose will be served.

The Honourable Mr. G. B. PRADHAN : Mr. President, I must oppose this bill. In the first place, this House has only got to make the law. The interpretation of the law has to be made by the officers of the Crown, who have got to administer the law. So, we have got to make a good law and the interpretation of the law must be left to the officers of the Crown who administer the law. If some officer interprets a law in a wrong way, it does not prove that the law is wrong. What is the position here ? In the first place, the word “possession” will not be found defined in any law. Possession is of three kinds : Actual, symbolical or constructive. Now, the section contemplates that in the first place the prosecution must prove that a particular excisable article was in the possession of a particular man. The burden of proof, namely, proving possession is thrown upon the prosecution. When I got up to interrupt the honourable member Rao Bahadur Kale, I merely wanted to point out to him that even under the Indian Evidence Act, under section 114, there is such a thing as a presumption. If a stolen article, a recently stolen article, is found in the possession of a particular person, then the court may presume that that person is either a thief or a receiver of the stolen property. That is the presumption laid down in the Indian Evidence Act. If that is done under that Act, what is wrong in this section ? Now, insert the words which the honourable mover wants in section 53, and what is the absurdity ? Then the section will read as follows : -

“In prosecutions under section 43 it shall be presumed without further evidence until the contrary is proved, that the accused person has committed an offence under that section in respect of any excisable article or hemp or any still, utensil, implement or

[Mr. G. B. Pradhan]

apparatus whatsoever for the manufacture of any excisable article or mhowra flowers, or any such materials as are ordinarily used in the manufacture of any excisable article for the *exclusive control* of which he is unable to account satisfactorily."

Merely I take out that word "possession" and I substitute the honourable member's definition here. I therefore say "for the exclusive control of which he is unable to account satisfactorily." Now, in the first place, the prosecution must prove that all those articles were in the exclusive control of the person who is in the dock, and then an opportunity is to be allowed to him that, even if the prosecution proves that there was exclusive control, he is still not guilty because of X Y Z reasons, or because of other reasons. That is how the absurdity will be clear to the honourable mover if all these words are inserted there in that section. Now, the honourable member from Bombay, Mr. Marzban, says it must be conscious possession. Now, why are the words "for the possession of which he is unable to account satisfactorily" put in the section? The moment it is proved that the man was in possession of the article, the magistrate is not to send him to jail; he is not to convict him. But the accused will be called upon to explain his possession. He is at liberty to prove that a juggler put it into his pocket.....

Mr. P. J. MARZBAN: I did not say that.

The Honourable Mr. G. B. PRADHAN: I think I may take it that some persons who are administering the law may interpret the law wrongly sometimes, but that will be no proof, as I said, that the law itself is wrong. If these persons interpret wrongly, then there are appellate courts, where the interpretation of the term "possession" is properly made. Then, higher authorities are there. But here, according to the definition which is sought to be introduced by my honourable friend, if the prosecution have got to show not the exclusive possession but the exclusive control, say, in every family, I suppose, unless the person is a hermit, there may be servants, there may be other members of the family. So, the house is not in the exclusive control of that man. The prosecution may prove that the article was found in the house of that man or in his field. Still, the prosecution has not proved that it was in the exclusive control of the man. There was his servant, cook, or his wife, and the whole thing must go off. That is the absurdity. So, even in section 53, though on the face of it, it may look rather hard, it is not so. It is based upon the presumption under section 114 of the Indian Evidence Act. And, so, when the prosecution prove that a particular person has got an excisable article in his possession, then that person is called upon to prove how he came by that article and he is at liberty to show that his enemies threw it in his field, and so on. I can understand some cases of magistrate interpreting the law wrongly, but when a particular place is accessible to many persons or to the whole public, then necessarily the magistrate will say to the prosecution "you have not been able to prove possession and I shall not call upon the accused to account for the possession."

I give the assurance which the honourable mover wants. The officer who is actually working the Excise Department has issued a circular



[Mr. G. B. Pradhan]

that all the responsible officers should look into all these cases very carefully. If necessary we are ready to issue that circular again and to tell our officers that they should scrutinise these cases most carefully. We do not wish that any innocent persons should be punished, but at the same time we do wish that the Abkari Act should not be a nullity. You say you do not want illicit distillation. If you introduce the definition suggested by the honourable mover, then the whole Abkari Act will have to be scrapped, no excise officer need bring any case because it will be impossible for him to prove his case.

If any magistrate misinterprets the law, I do repeat that the law is not wrong. The word "possession" has never been or can never be strictly defined. It must be left to the discretion and the good judgment of the persons who administer the law. With these words, I oppose the amendment.

Mr. F. OLIVEIRA : Sir, I also oppose the proposed amendment of the Abkari Act. If the words "exclusive control" are put into the Abkari Act, it would be impossible to work the Act. The word possession would then have the same significance as ownership. These are two distinct things. . . . .

Honourable MEMBERS : Loudly, please. Let the honourable member come forward and speak.

The Honourable the PRESIDENT : Will the honourable member speak a little loudly ?

Mr. F. OLIVEIRA : As far as I know, the law punishes a man found in possession of an excisable article if he cannot satisfactorily account for that possession. Suppose an upcountry man sends a parcel containing opium or some contraband drug to his agent in Bombay by railway. The agent holds it for his principal and he has no control in so far as he cannot dispose of it in any way he likes. If the agent receives the parcel not knowing the contraband nature of that parcel, no court will convict him. But if he receives or retains the same with that knowledge he would be rightly convicted though he could not dispose of it or deal with it without the authority of the person upcountry who sent it and therefore, though he had not "exclusive control" of it. Any person knowing the contents of the parcel takes charge of it, the law will hold him responsible. This knowledge could be established by direct or circumstantial evidence. My honourable friend Mr. Marzban fears that mere possession, without guilty knowledge, may be punished. His fear is groundless, as I have explained above, and therefore, I submit to the House that the words "exclusive control" should not be inserted in the Act, and that this bill be rejected.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I will be extremely short. The word "possession" is a word that is incapable of definition. It is capable of interpretation but incapable of definition, and therefore, as the interpretation is to be done by judges and not by legislation, the word "possession" can never be defined satisfactorily anywhere.

[Mr. B. G. Pahalajani]

The leading authority on the point, which has subsequently guided all the courts, is 6 Bombay 731. The ruling is as regards stolen property but in which exactly the same presumption is raised as in the case of section 53. In section 53 the provision is that :

“ After the possession is proved [the possession must be proved first.]

Then the presumption begins to arise and then the accused is bound to explain how he came into the possession of the property. So in the case of stolen property, the prosecution must prove possession. Then the presumption arises that he has guilty knowledge unless he rebuts it by showing how he acquired it.”

“ Possession ” was interpreted in 6 Bombay 731 as under as observed by West :—

“ But in order to raise this presumption legitimately, the possession of the stolen property should be exclusive as well as recent. The finding of it on the person of the accused, for instance, or in a locked-up house or room or in a box of which he kept the key, would be a fair ground for calling on him for his defence, but if the articles stolen were only found lying in a house or a room in which he lived jointly with others (much less in an open place) equally, capable with himself of having committed the theft or in an open box to which others had access, no definite presumption of his guilt would arise.”

This is the definition of possession and this is the way in which the law has been interpreted. After this interpretation, there has been another well known ruling which was quoted by the honourable member from Satara, Rao Bahadur Kale. “ Possession ” has been so often defined under the Abkari or the Opium Act, or under the Penal Code and so often interpreted by the High Court Judges that any miscarriage of justice can be set aside in appeal. The High Court Judges are willing to go into the meaning of “ possession ” in revision and all the rulings quoted are in revision and therefore, this attempt at the interpretation of the word “ possession ” is futile. I think it is very clear that the case like the one my honourable friend quoted, namely, a person being convicted of being in possession of property found in an open field will rarely occur and if it occurs, there must be other surrounding circumstances to bring home the charge to him. If such cases do occur, then the only remedy is an appeal to the courts and not to the Legislative Council.

Rao Saheb D. R. PATIL (East Khandesh District): Sir, I am glad that the authority of the Bombay High Court has been quoted by a legal luminary, I mean my honourable friend Mr. Pahalajani. The judgments of the Bombay High Court have properly interpreted the word “ possession ”, but there is the risk always of misinterpretation by the lower courts which administer the law in the first instance. My honourable friend Mr. Pataskar is a half-hearted supporter of my bill and he says he cannot accept the definition as laid down by me. But he does not suggest any other form of the definition. I do grant that to define the word “ possession ” in the way I have done would not be practicable. I am open to correction. Now I do not want to go into the facts of the particular case on account of which I wanted to move this bill. The facts are there and I agree with the view of my honourable friend Mr. Pahalajani that it is a question for the appellate court when possession is wrongly interpreted by the trial court, but I am glad for one fact that the honourable the Commissioner for Excise has given an assurance that he has already issued a circular to his subordinates to go into the cases of such a nature very carefully

[Rao Saheb D. R. Patil]

and that he will repeat those instructions. I am really thankful to him for his assurance. The Honourable the Minister for Excise has spoken about the rulings of the High Court. He also said that some magistrates might go wrong in interpreting possession but the remedy lay in appealing against the decisions of such magistrates. He practically agreed with the views expressed by my honourable friend Rao Bahadur Kale in connection with possession as explained by Melville J. in 6 Bom. I. L. R., I know that it is difficult to define possession though it can be interpreted. Therefore, as in the light of the assurance given by the Honourable the Commissioner for Excise and the way in which the Honourable the Minister for Excise made his speech, accepting the principle that was enunciated in 6 Bom. I. L. R., the object of my bill is indirectly served, so I beg to withdraw my bill.

Question put and leave granted.

The Honourable the PRESIDENT: The bill is withdrawn.

**BILL NO. XXIII OF 1927 (A BILL FURTHER TO AMEND  
THE GUJARAT TALUKDARS' ACT, 1888)**

*Motion for first reading*

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move the first reading of Bill\* No. XXIII of 1927, a Bill further to amend the Gujarat Talukdars' Act, 1888. Sir, in olden times, the cultivators had no voice in the management of the affairs of Government. At that time, the privileged classes had full voice in asserting their claims. In the beginning, when the British Government was being established in this country, naturally the British Government thought it desirable to take care of the privileged classes, so that they could be their real supporters. Sir in those days, parental care was bestowed upon the privileged classes. One of these privileged classes was the class of Talukdars in Gujarat. Government, in those days, undertook to pass special legislation for the purpose of protecting the integrity of talukdari estates. The object of Government was of course very admirable, in so far as they wanted to keep these talukdari estates alive. But unfortunately, it so happened that the privileges that were bestowed upon the talukdari estates were not utilised by the talukdars themselves for the purpose of improving their position or for the purpose of bestowing benefits on the tenants who were responsible for cultivating the lands constituting the talukdari estates. Sir, the Gujarat Talukdars' Act of 1888 bestowed special privileges on these estates, and it provided in section 31 of the Act that no portion of the talukdari estate shall be mortgaged without the previous sanction of the Collector, and no portion of the talukdari estate shall be alienated—I shall use the simpler word, sold—without the previous sanction of the Governor in Council. Now, these provisions of section 31 placed them in an unassailable position, but without taking advantage of these provisions in the proper way, it so happened that

[Mr. J. C. Swaminarayan]

the talukdars themselves became very careless and being secure under the protection of this legislation they began to behave in such a way that they lived very extravagant lives, they were addicted to vices and they did not care whether they ran into debts. Often and often it so happened that Government was compelled to take those talukdari estates in management and repay the debts of indebted talukdari estates. They used to take these estates under their management, and with parental care they used to liquidate the debts of the talukdars while those estates were under the management of Government. But it so happened that as soon as Government control was released and the estate was given back to the talukdar, he began to live in the same style, and again his estate ran into debt; and after 40 years Government became tired of the way in which the talukdari estates were incurring debts, and Government have allowed the talukdars to do what they liked, and the consequence has been that Government also do not care in which way the talukdars dispose of their estates when they run into debt. I shall give one illustration, and that illustration was very well proved when I put a question, which has been published in the third list of the current session. The question was about the land rents charged to the cultivators of the talukdar of Hirapur, a village of Sanand taluka of Ahmedabad district. Now, it so happened that this talukdar leased his village to one Hargovinddas Pandurao. He has, in his turn, leased the village to some other man. His name is Koli Patel Ratu Megha. The first lessee increased the assessment to Rs. 5 and Re. 1-8-0 per Vigha as Vighoti for Kyari lands and other lands respectively; but the sub-lessee demands Rs. 7-8-0 and Rs. 2-8-0 per Vigha for Kyari lands and other lands respectively. That is to say, when Government do not pay any attention under the protection of this section the talukdar remains in possession of his estate.

The THAKOR OF KERWADA : On a point of information, may I ask whether the village is a talukdari village ?

Mr. J. C. SWAMINARAYAN : It is Vighotia. The replies of Government are in the affirmative.

Mr. F. G. H. ANDERSON : Would the honourable member be good enough to give the dates of those leases ? Were they simultaneous, or at a long interval of years ?

Mr. J. C. SWAMINARAYAN : I can give the dates. It is only last year that the sub-lease has been given, and this demand of increased assessment has been made by the sub-lessee Koli Patel Ratu Megha in the month of April of the current year. I do not remember the date of the first lease ; it must have been four or five years ago

Sir, I mean to say that if Government give protection to the talukdars by making their estates inviolable, it is the imperative duty of Government to see that this protection is not utilised for the purpose of rack-renting the cultivators under the guise of leases. Whenever some difficulty arises, whenever the talukdars run into debts, it is necessary for Government to take up the management of the estates and not to allow

[Mr. J. C. Swaminarayan]

the talukdars to lease their estates in such a way as to allow the assessment to be increased, which falls heavily on the cultivators. It is the primary duty of the Government to protect the interests of the tenants also. In Bombay during the time of the war landlords tried to get heavy rents from their tenants. The Government stopped it by passing the Rent Act, thus giving protection to the tenants. There are about 2,000 landlords in Bombay owning all the buildings. The other people are dependent on these landlords for their residence. If these 2,000 persons are allowed to have their own way it would have been very difficult for the tenants at a time when there was a great rush of population into Bombay on account of the war. In order to check the rapacity of the landlords at such a time when the population was increasing Government had to pass that measure of Rent Act for controlling the rents. In the case of these talukdari villages the inhabitants did not come there yesterday. They have been living in those villages from time immemorial. I have put many a question on this point and Government have admitted that the people have been living there for a long time. If we are to look upon this question from the modern stand-point of socialism we can at once find that the tenants have got as much right as the talukdars to live there to cultivate the lands and eat their own coarse millet while the talukdars eat their rich sweetmeat. The land that has been created by God cannot be extended and consequently the land is the possession of the whole community.

The Honourable Dewan Bahadur HARILAL D. DESAI : I rise to a point of order, Sir. Section 31 of the Gujarat Talukdars' Act relates to encumbrances and alienations and there is nothing in that section with reference to tenants' rights. I submit the honourable member is going out of the scope of the bill before the House.

Mr. J. C. SWAMINARAYAN : I want to point out that the rack-renting is a consequence of the protection given under section 31.

If Government had taken the management and given the leases, the assessment would not have risen as it has done now. In order to pay his debts the talukdar leases out his estate for two years, 4 years and 10 years. The Honourable the Revenue Member said that it might be for two years. I can point out an instance. One talukdar has leased his estate for 20 years. These leases are given to money-lenders for a long period and these lessees want to make as much profit as they can out of the lease. What I want is that the management should be under the control of Government. If the estates are under the control of Government any unjustifiable act done by them would be open to the criticism of this House. Instead of taking care of the talukdari estates and liquidating their debts, Government leave them free to lease these estates. They take protection under section 31 and lease out their estates as they like. In some cases moneys have been advanced to talukdars with the sanction of the Collector. Before liquidating those debts these talukdars take into their heads to lease their estates. The creditors of talukdars and the lease-holders fight among themselves.

[Mr. J. C. Swaminarayan]

There is always quarrel between the lessees on the one side and the money-lenders on the other. I shall take an instance. People of Ram-pura have lent money to the talukdar of Bhankoda with the sanction of the Collector. Still that Talukdar has given lease of his estate to a Parsi gentleman of Ahmedabad. When the crop is ready they will have to divide it : the tenants should have their share while the lessee and creditors fight against one another and division of crops does not take place when the crop is ready. There is perpetual quarrel between the lessee and the creditors and the crop is allowed to rot for months together. Government's attention was drawn to this undesirable state of things by means of questions. If this section is removed the talukdars will understand their position and keep their expenditure within their income. They will be in a position to realise that if they get an income of Rs. 500 they should spend only Rs. 400. He should not spend Rs. 1,000. It is on account of the protection given by this section they go beyond their means and spend beyond their income. As at present they spend beyond their means and so they run into debts. In order to liquidate their debts they lease their estates ; and the lessee makes profit out of it. He would not care if tenants are properly treated or not. If all the tenants are expelled from the village by this means he will bring in other tenants and the hereditary rights of the tenants would be lost.

The THAKOR of KERWADA (Northern Division) : Sir, section 31 of the Talukdari Act relates only to the power of Government to sanction loans raised by the talukdars. It has nothing to do with other taxes. I think, therefore, the honourable member is going far and wide from the bill under discussion.

The Honourable the PRESIDENT : I have looked into the section pointed out by the Honourable Minister, and the objection raised is perfectly right. Perhaps the honourable member wishes to illustrate the point that the talukdars, because of this privilege conferred on them, are following certain methods. As an illustration, and to that limited extent only, the honourable member will be in order.

Mr. J. C. SWAMINARAYAN : Sir, these consequences follow from that section. (An honourable member : No; no). I wanted to give illustrations. These consequences follow because the talukdars are not able to sell their estates, their estates remain secure, and they lease the estates to other people who treat the tenants in the most disgraceful way. The rack-renting of the tenants is the consequence of the existence of this section. I would like to make a reference to an important question which I asked, which is printed at page 105 of Volume XVIII, Part II, Bombay Council Debates. In spite of the existence of section 31, the talukdars are selling their land. I take the liberty of reading out my question and the reply given by Government, as they are intimately connected with section 31. Question (a) is :

" Will Government be pleased to state—

(a) Whether the talukdars of Ujedia in the Prantij taluka have sold many fields of their estate to cultivators of Vaktapur and executed registered documents, giving full possession of their fields to them ? "

[Mr. J. C. Swaminarayan]

and the reply of Government is "Yes." That is to say, the talukdars have sold those fields. (The ~~Thakor~~ of ~~Kerwada~~: With the sanction of Government). No; without the sanction of Government. The next question is:

"(b) whether it is a fact that no objection was raised by the Registration Department when those documents were registered?"

Government say "Yes." The Honourable Minister for Education just now spoke that the transaction was illegal; yet the Registration Department did not raise any objection. The third question is:

"(c) whether it is a fact that the cash price of the fields was paid to the talukdars in the presence of the officers of the Registration Department?"

and the reply of Government is:

"(c) This cannot be stated as the dates of the sales are not given and it would entail much trouble to examine each case. Generally the purchase price is not paid in the presence of the sub-registrar, but the officer asks the vendor if he has received the price."

The fourth question is:

"(d) whether it is a fact that the cultivators have been enjoying undisputed possession of the fields for many years and have been paying the assessment of the fields to Government?"

The reply is:

"(d) The purchasers are in possession but they pay no assessment to Government. In talukdari villages jama is paid to Government and this is recovered only from the talukdars and not from the cultivators."

Then the fifth question is:

"(e) whether the Collector of Ahmedabad District has recently served notices on the cultivators of Vaktapur to relinquish the possession of those fields?"

And the reply is:

"(e) Yes, because in talukdari villages sales without the sanction of Government under section 31 of the Gujarat Talukdars' Act are invalid, and eviction can be resorted to by the Collector and talukdari settlement officer under section 202 of the Land Revenue Code within 12 years from the date of the sale."

Now, the sixth question is:

"(f) if the answer to (e) is in the affirmative, whether any arrangements have been made by the Collector to have the cash price which the cultivators paid at the time of the purchase and the price of the improvements made by the cultivators since the purchase, returned to the cultivators?"

And the reply is:

"(f) No; purchasers of lands forming part of talukdari estates buy at their own risk and the law is well known to all in the Ahmedabad District."

The Honourable the PRESIDENT: That is sufficient; is it not?

Mr. J. C. SWAMINARAYAN: Now, the object of reading out these questions and the replies of Government was to show that although it is 10 years since the Act was passed, both the cultivators and the talukdars being illiterate, they are still entering into such transactions. After the cultivators have paid the price and got possession of the fields, and enjoyed that possession for many years, and spent money on improving those fields,—Government themselves admit that they have been in possession for many years—all of a sudden they are asked to relinquish those fields without the talukdars giving them compensation for the improvements made by them and refunding the price paid by them for the

[Mr. J. C. Swaminarayan]

purchase of those fields. (The Thakor of Kerwada : Prices paid ?)  
Certainly ; prices have been paid.

The Honourable the PRESIDENT : The time is nearly up. Will the honourable member take much longer ?

Mr. J. C. SWAMINARAYAN : Certainly.

The Honourable the PRESIDENT : The House is adjourned till half past one to-morrow, Friday, the 14th October 1927.



*Friday, the 14th October 1927*

The Council re-assembled at the Council Hall, Poona, at 1 30 p.m. on Friday, the 14th October 1927, the Honourable the President Mr. A. M. K. Dehlavi, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb.  
 AHMAD, MOULVI RAFIUDDIN.  
 ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ANGADI, Rao Bahadur S. N.  
 ASVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D  
 DESAI, Mr. J. B.  
 DESAI, Rao Saheb D. P  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HATCH, Mr. G. W.  
 HUDSON, Sir LESLIE  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHANGIR, the Honourable Sir COWASJI

JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 LALJI NARANJI, Mr.  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 NAIK, Rao Bahadur B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. G. I.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PETCH, Mr. F. W.  
 PETIT, Mr. J. B.  
 POOLEY, Mr. C. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOUSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT : Questions.

TEACHERS : VARYING SCALES OF PAY

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(a) the new time scale of pay of the Drawing and the Language teachers ;

(b) on what special grounds the scale of pay of Persian and Urdu teachers is separately considered from that of the Drawing teachers ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The present scales of pay are as under :—

Drawing teachers Rs. 60—4—100- 5—150 per mensem.

Language teachers Rs. 60 -5/2—120 per mensem.

Shastris in Colleges Rs. 80—5/2—140 per mensem.

(b) The scales for Language teachers and for Drawing teachers have been worked out independently. The scale for the latter is slightly more favourable as a Drawing teacher has to attend a special course of training for one year in the Normal Class of the School of Art.

TALUKA SCHOOLS, NORTHERN DIVISION

Mr. H. J. AMIN (Breach District) : Will Government be pleased to state—

(a) the number and names of Taluka Headquarters Schools in each district of the Northern Division ;

(b) the number of inward and outward correspondence passing through each such school ;

(c) whether they are aware that in Northern Division in the Taluka Headquarter Schools, school teachers in addition to their usual work are entrusted with the work of inward and outward correspondence, to receiving and distributing pay, books and furniture, to receiving and remitting fees and fines from all the schools in the Taluka ;

(d) whether they are aware that the clerical work referred to in (c) is done by the teachers during the school hours and at the cost of education of children ;

(e) since when the practice of entrusting clerical work to teachers was introduced and whether they have considered the advisability of discontinuing the same ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) The accompanying statement gives the information asked for.

(c) Yes.

(d) The clerical work referred to in clause (c) is, for the most part, done out of school hours except in cases of urgency and extraordinary

circumstances. Even then, special care is taken to see that the school work is not seriously affected. Most of the work is done by and through the Taluka peons and an additional hand on the staff is generally given to the Taluka school master in order to enable him to cope with this extra work.

(e) It cannot be stated definitely from what date this practice has been introduced. It has been in existence since the institution and establishment of Taluka Schools. It is not proposed to discontinue the system which has worked satisfactorily and has proved to be economical and efficient. Its wholesale discontinuance would create serious confusion and irregularity in the management and administration of Local Board Schools.

*Statement showing information regarding Taluka Headquarters Schools in the Northern Division.*

Serial No.	Name of Taluka Headquarter School			Number of correspondence		Remarks
				Inward	Outward	
<i>Ahmedabad District *</i>						
1	Naroda	..	..	127	513	
2	Vatva	..	..	161	368	
3	Chaloda	..	..	153	616	
4	Oran	..	..	95	327	
5	Dhansura	..	..	110	298	
6	Godhavi	..	..	108	412	
7	Patdi	..	..	192	564	
8	Detroj	..	..	99	258	
9	Barvala	..	..	128	422	
10	Rojka	..	..	174	503	
11	Ghoge	..	..	73	280	
<i>Kaira District</i>						
12	Chikhodra	..	..	79	340	
13	Davol	..	..	17	414	
14	Kapadwanj	..	..	180	164	
15	Matar	..	..	125	396	
16	Vanthwali	..	..	59	305	
17	Nadiad	..	..	223	330	
18	Thasra	..	..	137	380	
<i>Punch Mahals District</i>						
19	Bagaidol	..	..	250	350	
20	Kalol	..	..	225	275	
21	Halol	..	..	195	236	
22	Dohad	..	..	125	175	
23	Jhalod	..	..	135	185	
24	Jambusar	..	..	167	365	
25	Amod	..	..	161	480	
26	Wagra	..	..	145	359	
27	Jhadeshwar	..	..	262	632	
28	Diwa	..	..	128	426	
29	Hansot	..	..	113	369	

Serial No.	Name of Taluka headquarter school	Number of corre- spodence		Remark
		Inward	Outward	
<i>Surat District</i>				
30	Olpad .. ..	148	347	* Excluding peri- odical returns and statements.
31	Katargam .. ..	71	154	
32	Bardoli .. ..	215	204	
33	Valod .. ..	82	243	
34	Mandvi .. ..	143	322	
35	Jalalpore .. ..	139	644	
36	Chikhli .. ..	61	228	
37	Kosamba .. ..	103	71	
38	Pardi .. ..	11*	11*	

Mr. H. J. AMIN : Will Government be pleased to state the object of taking the work of correspondence from the school teachers less instead of clerical staff and why should not more clerks be employed for this work and avoid employing the school teachers ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government do not propose at present to employ separate clerical staff for this purpose.

Mr. H. J. AMIN : Why not increase the staff of deputy educational inspector so that the teachers may be free to do teaching work ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Since a number of years the practice has been for the taluka head masters to distribute the routine correspondence, etc., to schools near about the taluka school and the work is done outside the hours of the school. This practice is more convenient than that which is proposed by the honourable member.

Mr. P. R. CHIKODI : Are Government prepared to give them an allowance ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

Mr. H. J. AMIN : If I can prove that the work is not done outside the school hours will the Government abolish the practice ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If that is proved the matter will be considered.

Mr. B. V. JADHAV : Is it not a fact that there are seven teachers in a taluka school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Very probably, yes.

Mr. B. V. JADHAV : Is it a fact that where there are seven teachers one additional teacher is allowed over and above the strength required ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Probably that is the rule.

Mr. J. C. SWAMINARAYAN : Does not this work of correspondence which the teachers of taluka schools have to do come in the way of their real work, namely, teaching ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No, it does not, because it is done outside the school hours.

#### COLLECTORS' LIBRARIES

Mr. H. J. AMIN (Broach District) : Will Government be pleased to state whether they have considered the necessity of properly equipping each Collector's library and leaving it open for the use of past and present members of the Council ?

The Honourable Mr. J. L. RIEU : Government have no such proposals under their consideration. Collectors' libraries are intended entirely for official use, and Government do not consider it desirable to turn Collectors' offices into semi-public reading rooms as they would be if they were thrown open for the use of past and present members of the Council.

Mr. H. J. AMIN : When the library here is open to the members of the Legislative Council, what objection is there if the Collector's library is left open to them ?

The Honourable Mr. J. L. RIEU : The reply to this question should be perfectly obvious to the honourable member.

#### IRRIGATION RATES : CHANGES

Mr. R. S. ASAVALE (Bombay City, North) : Will Government be pleased to state—

(a) the irrigation rates per acre in various crops during the last three years ;

(b) whether any change in this has taken place ;

(c) whether the Government authorities concerned have received any complaints from the agriculturists as regards this change ;

(d) if so, what action they have taken ?

The Honourable Sir COWASJI JEHLANGIR : The information is being collected.

#### PRIVATE GYMNASIA : PROHIBITION OF GOVERNMENT HIGH SCHOOL STUDENTS

Mr. M. G. BHOSLE (West Khandesh District) : Will Government be pleased to state—

(a) whether they are aware of the fact that students attending Government High Schools are not allowed to join private gymnasia for improving their physique ;

(b) whether there are any rules or orders of the Educational Department prohibiting students from going to such institutions : and if so, to quote the same ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Students attending Government High Schools are not ordinarily prohibited from joining private gymnasia.

(b) The answer to this part of the question is in the negative.

Mr. R. S. ASAVALE : How are they prohibited ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They are not prohibited.

Mr. H. V. PATASKAR (inaudible) :

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not aware of that.

Mr. M. G. BHOSLE : Are there any gymnasia common to the students of Government schools and private persons ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not know of any gymnasium which is common to both the students of Government schools and private persons.

#### SANITARY SOCIETIES

Mr. M. G. BHOSLE (West Khandesh District) : Will Government be pleased to state-

(a) the number of Sanitary Societies that exist in the Bombay Presidency ;

(b) the financial condition of these Societies ;

(c) the amount of monetary contributions given by Government to these Societies ;

(d) the total amount of such grants ?

The Honourable Dewan Bahadur HARILAL D. DESAI : By "Sanitary Societies" the Honourable Member presumably means "Sanitary Associations, Baby and Health Week Associations, etc."

(a) Ten.

(b) No information is available apart from what is given in the annual reports of the Associations.

(c)	Name	Amount of Government grant	
		Rs.	
(1)	The Karachi Sanitary Association ..	6,000	(recurring).
(2)	The Bombay Sanitary Association ..	1,500	,,
(3)	The Broach Sanitary Association ..	500	,,
(4)	The Ahmedabad Sanitary Association.	1,000	,,
(5)	The Bombay Presidency Baby and Health Week Association ..	10,000	,,

Note.—The Broach Sanitary Association also received a non-recurring grant of Rs. 1,500 this year.

(d) Rs. 19,000.

Mr. R. S. ASAVALE : Why should a preferential treatment be given to the Broach Sanitary Association which has been given a non-recurring grant of Rs. 1,500 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot at once tell the honourable member the reasons. He may repeat the question and I will then give him an answer.

#### TAGAVI, FLOODED AREAS, GUJARAT

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether they have decided to write off the tagavi loans issued to the cultivators of the Matar taluka during the years before the flood ;

(b) the amount of tagavi due from the cultivators of that taluka before the floods and the new tagavi issued to them since the flood ?

The Honourable Sir CHUNILAL MEHTA : Information is being collected.

#### KULKARNI WATANS : GOVERNMENT ORDERS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to place on the Council table all the Government resolutions, notices, notifications, circulars, etc., issued by them from time to time since 1859 to date regarding kulkarni watans ?

The Honourable Mr. J. L. RIEU : A compilation of the character indicated in the question would involve an expenditure of time and labour out of all proportion to its possible value to the public. Government therefore regret that they are not prepared to undertake it. Phadnis' Watan Act contains all the important orders of Government regarding watans (including kulkarni watans). A copy of this work is to be found in the library.

#### KULKARNI WATANS : COUNCIL QUESTIONS

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to place on the Council table the proceedings of this Council from 1914 up to date relating to questions and answers regarding commutation of kulkarni watans ?

The Honourable Mr. J. L. RIEU : Copies of the proceedings and debates of the Bombay Legislative Council from 1914 up to the last session are available in the library, where the honourable member can himself obtain all the information that he desires.

#### PHOTO-COPYING SYSTEM IN REGISTRATION DEPARTMENT : DELAYS IN—

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the maximum and minimum delay between the date of presentation of documents and the date of their receipt from the photo office in Bombay, Poona and Ahmedabad offices from January to June 1927 ;

(b) what steps have been taken to lessen the delay ;



(c) whether the delay under the photo system exceeds that under the old hand-copying system ;

(d) if so, what steps have been taken or are proposed to be taken to grant copies of documents in the interval (from the date of registration as impressed on the registration certificate and the date of their receipt from the photo office), and facilitate the cause of litigation ;

(e) whether they propose to defer the question of legalising the photo system and extending it to other offices till the maximum delay under this system does not exceed that under the old system of hand-copying ;

(f) if not, the reasons why they are sacrificing public convenience for the sake of this system ?

The Honourable Mr. G. B. PRADHAN :

(a)	Name of office	Maximum delay		Minimum delay	
		Months	days	Month	days
Bombay .. ..	.. ..	3	3	0	17
Haveli I and II (Poona)	.. ..	1	22	0	8
Ahmedabad .. ..	.. ..	1	25	0	12

(b) to (f) The Honourable Member's attention is invited to the replies given to clauses (a), (b) and (d) of the question asked by Dr. Dixit which are printed at pages 1386-1387 of the Bombay Legislative Council Debates, 1927, Volume XX, Part XVII.

#### SCHOOL BOARD, AHMEDNAGAR : ADMINISTRATIVE OFFICER

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state- -

(a) the name of the Administrative Officer of the school board of the district local board, Ahmednagar, with his qualifications ;

(b) whether his appointment has been approved by them ;

(c) whether it is a fact that the work of an Administrative Officer is heavier and more responsible than that of the Deputy Educational Inspectors ;

(d) what is the starting salary of a Deputy Educational Inspector ;

(e) what salary is allowed to the Administrative Officer by Government ;

(f) whether it is a fact that one or two of his subordinates at the present time who were Assistant Deputies before and are supervisors now are actually drawing as salary more than Government allows to the Administrative Officer ;

(g) whether they propose to reconsider the question of the Administrative Officer's salary ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Mr. V. D. Ghate, M.A., B.T.

(b) Yes, on probation for 2 years.

(c) No.

(d) Rs. 250 per mensem.

(e) Rs. 160 per mensem during the period of probation.

(f) There is no supervisor in the District whose pay is higher than that of Mr. Ghate. There is however one Assistant Deputy Educational Inspector now lent as Supervisor whose pay is Rs.150 per mensem but who in addition gets a duty allowance of Rs. 30 per mensem.

(g) The matter is under consideration.

#### SCHOOL BOARD, SHOLAPUR : ADMINISTRATIVE OFFICER

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state—

(a) the name and qualifications of the Administrative Officer of the school board of district local board, Sholapur ;

(b) whether his appointment was approved by Government ;

(c) whether it is a fact that the work of an Administrative Officer is heavier and more responsible than that of a Deputy Educational Inspector ;

(d) what is the starting salary of a Deputy Educational Inspector ;

(e) what is the salary sanctioned by Government to the Administrative Officer ;

(f) whether it is a fact that some of his assistants who were Assistant Deputy Educational Inspectors before and are working as supervisors under the Administrative Officer are actually drawing a larger salary than the Administrative Officer ;

(g) whether they propose to reconsider the question of the salary of the Administrative Officer ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Mr. S. G. Kamat, B.A., S.T.C.D., and Senior Assistant Deputy Educational Inspector, Ahmednagar.

(b) Yes.

(c) In the opinion of Government the work of a School Board Administrative Officer is not heavier or more responsible than that of a Deputy Educational Inspector.

(d) Rs. 250 per mensem.

(e) Rs. 250 per mensem.

(f) No.

(g) No.

#### FAMINE RELIEF FUND : DEFALCATION

Mr. B. V. JADHAV (Satara District) : With reference to question I by the Honourable Member Mr. Chikodi printed on the 4th list of this Session, will Government be pleased to state---

(a) whether the fund was invested in Government paper ;

(b) whether the amount of Rs. 87,000 formed part of the Fund or the interest on the Fund ;

(c) whether the responsibility for recouping the loss to the fund falls upon Government and if the answer to (c) be in the affirmative ;

(d) whether Government have made up the loss ?

The Honourable Mr. G. B. PRADHAN : (a) The funds of The Sir Sassoon David Trust consist of Calcutta Port Trust 4 per cent. Sterling Bonds.

(b) The sum of Rs. 87,097-14-0 misappropriated formed part of the interest on the Trust funds.

(c) No.

(d) Does not arise.

Mr. R. S. ASAVALE : On whom does the responsibility fall for the recouping of this loss, if not on Government ?

The Honourable Mr. G. B. PRADHAN : The amount was misappropriated by a person who was a Government servant.

Mr. B. V. JADHAV : Is not Government liable for the loss caused by the act of a Government servant ?

The Honourable Mr. G. B. PRADHAN : No.

Mr. R. S. ASAVALE : Is the whole loss recouped ?

The Honourable Mr. G. B. PRADHAN : No.

#### REVENUE DEPARTMENT CLERKS, SATARA DISTRICT

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) whether it is a fact that while retrospective effect has been given to Government Resolution No. 162 dated 6th March 1923, F. D., in the case of clerks in other districts of the Bombay Presidency and in other departments of the public service of the Satara District, the same is refused in the case of clerks in the Revenue Department of the Satara District ;

(b) whether they are aware that there are only a few such cases in the Revenue Department of the Satara District where the hardship is considerably felt especially when in the case of some, the passing of a higher college examination is an additional qualification to become entitled to the benefit of the above Government Resolution ;

(c) whether they propose to remove the hardship at least in such cases ?

The Honourable Mr. J. L. RIEU : (a) Retrospective effect was nowhere given to the orders contained in the Government Resolution quoted by the honourable member.

(b) and (c) Do not arise.

#### TRAINING SCHOOLS, DHARWAR AND AHMEDABAD

Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) whether they have re-opened the vernacular training schools of Dharwar and Ahmedabad ;

(b) if so, from what date ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) These institutions have never been closed.

(b) Does not arise.

## COTTON CESS, BOMBAY

Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) the total amount of tax derived from the cess on cotton bales imported into Bombay city for the year 1926-27 and for 1925-26 ;

(b) (i) the total amount of grant given to the Central Cotton Committee of Bombay by the Government of India for each of the last two official years ;

(ii) and how such grant was utilised in each of these years ?

The Honourable Sir COWASJI JEHangIR : (a) The total net (*i.e.*, after deducting the cost of collection) realisations of town duty on raw cotton imported into Bombay City for the years 1925-26 and 1926-27, are given below :—

				Rs.
1925-26	..	..	..	34,82,333
1926-27	..	..	..	26,37,833

(b) The Central Cotton Committee is under the control of the Government of India and this part of the question should properly be asked in the Legislative Assembly or the Council of State.

Mr. G. I. PATEL : Do Government intend to reduce this cess ?

The Honourable Sir COWASJI JEHangIR : I thought the honourable member asked me a supplementary question on this subject the other day.

## GOVERNMENT SERVANTS : COLLECTIONS FOR FUNDS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state —

(a) whether there are Government circulars, confidential or otherwise, according to which Government servants are forbidden to collect funds for any private institution or association ;

(b) if the reply to (a) is in the affirmative, whether it has been brought to their notice that Mr. Henderson, the Collector of Thar Parkar, has started the Blind Relief Association for which with the help of Deputy Collectors and Mukhtiarkars under him meetings are held and subscriptions are collected throughout the various parts of his district ;

(c) what steps they have taken regarding this and what steps they propose to take for the future ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Mr. Henderson's instructions were that Mukhtiarkars should endeavour to set up entirely non-official committees in their talukas to collect subscriptions for the Association, but that no Government officer should himself undertake the collection of subscriptions. Meetings were held for the appointment of such non-official committees at which the Collector Deputy Collector or Mukhtiarkar was at times present. It transpired subsequently that in some cases the collections made by the committees were being sent to the headquarters of the Association through the

Mukhtiarkars, but as soon as this practice came to notice orders forbidding it were issued.

(c) The orders referred to in clause (a) have been brought to the notice of the officers concerned.

Mr. HAJI MIR MAHOMED BALOCH : What is the date of such an order prohibiting any practice of that kind ?

The Honourable Mr. J. L. RIEU : August 1925.

Mr. HAJI MIR MAHOMED BALOCH : Was there any collection after that ?

The Honourable Mr. J. L. RIEU : Collections have been made after that, but not by any officer of Government.

Mr. HAJI MIR MAHOMED BALOCH : Was the Huzur Deputy Collector the treasurer of that fund ?

The Honourable Mr. J. L. RIEU : Yes, that was a fact for a time ; afterwards, under the orders of Government, this was discontinued.

#### BLIND RELIEF ASSOCIATION : SUBSCRIPTIONS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state what amount has been paid by Mir Ghulam Hyder Khan Talpur and Wadero Ghulam Kadir Narejo individually to the Blind Relief Association as subscription ?

The Honourable Mr. J. L. RIEU : Rs. 400 and Rs. 1,400 respectively.

Mr. HAJI MIR MAHOMED BALOCH : Was the man exempted from the prosecution or released after he paid a subscription of Rs. 1,400 to this association ?

The Honourable Mr. J. L. RIEU : That does not arise out of the question.

#### BLIND RELIEF ASSOCIATION : COLLECTION OF FUNDS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state -

(a) whether they are aware that Mr. Henderson, the Collector of Thar Parkar, had called a meeting in Digri for collecting funds for the Blind Relief Association ;

(b) whether they are aware that in this meeting there were Deputy Collectors, Mukhtiarkars and several respectable zamindars present ;

(c) whether Mr. Henderson in the public meeting said that Mr. Ghulam Hyder Khan had given only one hundred rupees towards the Blind Relief Association Fund, but now he being involved in a criminal case had spent more than thirty thousand rupees, that the work was laudable and they should pay large amounts in subscription ;

(d) what steps they have taken or propose to take in connection with this matter ?

The Honourable Mr. J. L. RIEU : (a) A meeting was held at Digri to constitute a non-official committee for collecting funds for the Blind Relief Association.

(b) A Deputy Collector, a Mukhtiarkar and several zamindars were present.

(c) No such statement was made by Mr. Henderson. He merely remarked that people who could not find money for charity could find large sums for pleaders.

(d) Orders have already been issued that official agency is not to be used for raising subscriptions for public purposes.

Mr. HAJI MIR MAHOMED BALOCH : Who called this meeting ?

The Honourable Mr. J. L. RIEU : I presume that the Collector called the meeting, as he was present.

Mr. HAJI MIR MAHOMED BALOCH : I have stated in my question that the Collector in that meeting said that Mr. Ghulam Hyder Khan had given only one hundred rupees towards the Blind Relief Association Fund, but being involved in a criminal case had spent more than thirty thousand rupees, and that they should pay large amounts in subscription. Government in their reply say that such statement was not made, and that he only remarked that people who could not find money for charity could find large sums for pleaders. If that is true, what was the occasion for making such a remark, and why was it made ?

The Honourable the PRESIDENT : I think that is a hypothetical question.

Mr. H. V. PATASKAR : Was it proper for the Collector to make such a remark ?

The Honourable Mr. J. L. RIEU : Where was the impropriety there ? I do not think there was anything improper in that.

Mr. H. V. PATASKAR : It is stated here that "he (the Collector) merely remarked that people who could not find money for charity could find large sums for pleaders." A District Magistrate making a remark like that at the time when funds are to be collected and certain prosecutions are to be launched, is that proper ?

The Honourable the PRESIDENT : The reply has been given that the honourable member does not think that there was anything improper.

#### SCHOOLS IN CANTONMENT AREA : GOVERNMENT

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) what arrangement has been made under the Primary Education Act for the schools in Cantonment areas, as regards the grant ;

(b) whether Government has directed the managers of any such schools to look to the Cantonment authorities for a grant ;

(c) whether any Cantonment Authorities have given grants to the schools in their areas for the year 1925-26 ;

(d) if not, what arrangements they propose to make for giving grants to these schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) These parts of the question have already been replied to.

(c) The Poona and Kirkee cantonment authorities alone paid grants to the schools within their areas in 1925-26 ;

(d) Grants to privately managed schools situated within cantonment areas are primarily to be paid by cantonment authorities and Government have declared their willingness to give grants to cantonment authorities equal to one-half of the expenditure incurred by them on account of grants to these schools. Unless therefore cantonment authorities are prepared to bear their share of the contribution, Government cannot do anything in the matter.

#### TRAINED TEACHERS : SUPPLY TO LOCAL AUTHORITIES

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state their policy as regards the supply of trained teachers to local authorities in future ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The question is still under consideration.

Rao Bahadur B. R. NAIK : How long is this question going to be under consideration ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The whole question is connected with the expansion of education and the question of sufficient funds being found. So, the whole question relates to financial considerations.

#### COMPENSATORY ALLOWANCE

Mr. N. E. NAVLE (Ahmednagar District) : Will Government be pleased to state—

(a) what is the amount spent annually in paying compensatory allowance to European Police Inspectors in the presidency ;

(b) whether such allowance is paid to European Excise Inspectors ; if not, why not ;

(c) whether such allowance is paid to other officers of the rank of mamlatdars ; if not, why not ;

(d) why the compensatory allowance was sanctioned only for European Police Inspectors and whether the circumstances which induced the then Government to sanction that allowance exist to-day ;

(e) what other allowances are drawn monthly by Police Inspectors who draw compensatory allowance ?

The Honourable Sir CHUNILAL MEHTA : Information is being collected.

#### AGRICULTURAL SCHOOLS : INSPECTOR

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) the different languages the present Inspector of Agricultural Schools in the Presidency knows ;

(b) the districts in which this Inspector is expected to work ;

(c) when and how many model lessons were given by the Inspector of Agricultural Schools, in Agricultural Bias Schools, or Agricultural

Classes for the guidance of teachers in 1924-25, 1925-26 and 1926-27 ;

(d) the names of schools in which the model lessons were given during the last three years ;

(e) the amount of travelling allowance received by this Inspector during the last three years ;

(f) whether they have considered the desirability of appointing an Agricultural graduate of the Educational Department for performing the duties of the Inspector of Agricultural Schools ?

The Honourable Mr. G. B. PRADHAN : (a) English, Kanarese and Marathi ;

(b) All districts of the Presidency ;

(c) and (d) No model lessons were given in Agricultural Bias Schools. Model lessons were regularly given to the Agricultural teachers when under training at the Loni, Jambul and Devi-Hosur Agricultural Schools, at the time of inspection of these schools and also for about a month at the time of the refresher class held at the Loni School in May 1926. Information about the actual number of these lessons is not available.

			Rs.	a.	p.
(e)	1924-25	.. ..	..	1,690	14 0
	1925-26	.. ..	..	1,570	13 0
	1926-27	.. ..	..	1,086	14 0

(f) It is not clear whether the Honourable Member means that an agricultural graduate should be employed by the Educational Department. If so, no such proposal has been considered.

#### COTTON SUPERVISORS

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) the respective duties of the Cotton Supervisor and the Deputy Director of Agriculture ;

(b) whether both the duties cannot be managed by one individual ;

(c) whether the Cotton Supervisor in Khandesh (North Central Division) is entrusted with the work of supervision over the District Staff ;

(d) whether it is a fact that Cotton Superintendents in other districts are not given such supervision work ;

(e) the reasons for this difference in duties between the Cotton Supervisor in Khandesh and Cotton Superintendents in other districts ;

(f) whether the duties of Cotton Supervisor and the Deputy Director of Agriculture are overlapping ?

The Honourable Mr. G. B. PRADHAN : (a) The principal duties of the Cotton Supervisor in Khandesh are—

(1) He supervises and guides the work of the Raver, Bhusawal, Edlabad, Pachora and Jalgaon Taluka Development Associations which are largely interested in cotton. He is directly in charge of all the operations of the Agricultural Department in this section, apart from the Jalgaon Farm.



(2) He arranges for and supervises the purification and growing of pure cotton seed suitable for Khandesh.

(3) He makes arrangements for the distribution of first class seed from the Jalgaon Farm to registered seed growers and also supplies the demands from cultivators both inside and outside Khandesh.

(4) He arranges for laying out experimental and demonstration plots for growing new strains of cotton and studies the effect of manures on cotton.

The Deputy Director of Agriculture, N. C. D., is in charge of all the operations of the Agricultural Department in Khandesh and Nasik, including the farms, and the research, educational and propaganda work.

(b) No.

(c) Yes.

(d) Yes.

(e) The Cotton Superintendents in the Karnatak and in Gujarat do not supervise the district staff, partly because their special work on cotton is more developed and takes the whole of their time, and partly because the district staff is more senior and experienced than is at present the case in Khandesh.

(f) No.

#### SUB-REGISTRAR'S OFFICE, BHADGAON

Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state -

(a) whether they have issued any orders for the abolition of the Sub-Registrar's Office at Bhadgaon;

(b) if so, the reasons that have led to the passing of these orders;

(c) the amount of income received by Government as registration and copying fees in the years, 1924, 1925 and 1926 from this office;

(d) the amount of stamp duty, collected in respect of documents registered in the office in the same years;

(e) the amounts of expenditure incurred by Government for this office in the same years?

The Honourable Mr. G. B. PRADHAN: (a) No.

(b) Does not arise.

(c)

Year.						Rs.
1924	..	..	..	..	..	3,858
1925.	..	..	..	..	..	3,295
1926	..	..	..	..	..	2,511

(d) The collection of this information would involve an excessive amount of time and labour which Government regret that they are not prepared to give.

(e)

Year.						Rs.
1924	..	..	..	..	..	1,261
1925	..	..	..	..	..	1,321
1926	..	..	..	..	..	1,274

#### DAMAGE TO CROPS : KAIRA AND AHMEDABAD DISTRICTS

Mr. J. R. PATEL (Kaira District) : Will Government be pleased to state—

(a) whether they have ascertained to what extent the crops and more particularly Tobacco and Cotton, have been damaged by locusts and frost in the Kaira and Ahmedabad Districts ;

(b) whether they intend to give any relief to the agriculturists on that account ?

The Honourable Mr. J. L. RIEU : (a) A statement containing the required information for Ahmedabad District is placed on the Council Table. In the Kaira District no appreciable damage was done to crops either by locusts or frost.

(b) Full suspension was granted in 25 villages and half in 96 villages of the Ahmedabad District. No relief was necessary in Kaira District.

*Statement showing the area of each crop damaged by locusts and frost in Ahmedabad District in 1926-27*

Taluka		Area damaged by locusts in acres					
		Wheat	Cotton	Juvari	Gram	Metli	Mustard
1		2	3	4	5	6	7
Prantij .. .. .	..	..	..	..	..	..	..
Modasa .. .. .	..	..	..	..	..	..	..
North Daskroi ..	..	..	..	..	..	..	..
South Daskroi ..	..	..	..	..	..	..	..
Sanand .. .. .	..	146	20	..	..	..	..
Viramgam .. ..	..	5,024	2,235	1,310	29	..	67
Dholka .. .. .	..	130	..	..	..	45	..
Dhandhuka .. ..	..	1,878	10	40	..	..	210
Ghogho .. .. .	..	..	..	..	..	..	..
Total .. .. .	..	7,178	2,265	1,350	29	45	210

Taluka	Area damaged by locusts in acres		Area damaged by frost in acres			
	Tuvar	Total	Cotton	Maize	Castor	Total
1	9	10	11	12	13	14
Prantij .. .. .	..	..	..	125	..	125
Modasa .. .. .	..	..	..	..	..	..
North Daskroi ..	..	..	..	..	..	..
South Daskroi ..	..	..	..	..	..	..
Sanand .. .. .	..	166	..	..	..	..
Viramgam .. .. .	..	8,665	20,586	..	110	20,696
Dholka .. .. .	30	205	125	..	..	125
Dhandhuka .. ..	..	2,138	..	..	..	..
Ghogho .. .. .	..	..	..	..	..	..
Total .. .. .	30	11,174	20,711	125	110	20,946

## PLANT PATHOLOGIST

Mr. J. R. PATEL (Kaira District): Will Government be pleased to state what decision they have arrived at regarding the question of provincialising the appointment of Plant Pathologist?

The Honourable Mr. G. B. PRADHAN: The post has been provincialised with effect from 3rd September 1926.

Rao Saheb D. P. DESAI: On Imperial pay or on provincial pay?

The Honourable Mr. G. B. PRADHAN: I shall require notice.

## SECONDARY EDUCATION: NON-GOVERNMENT INSTITUTIONS

Mr. J. R. PATEL (Kaira District): Will Government be pleased to state—

(a) whether they have by now taken into consideration the report of the University Reforms Committee so far as it deals with secondary education;

(b) if so, what decision they have arrived at regarding the recommendation of the Retrenchment Committee that Government should retire from the management of Arts Colleges and Government High Schools in favour of private enterprise?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) The matter is under consideration.

## TRANSFERS OF PROPERTY: TAX ON STAMPS (BOMBAY CITY)

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state for the year (a) 1925-1926 and (b) 1926-1927—

(1) the number of properties sold in the city of Bombay;

- (2) the total amount of sale price ;
- (3) the amount of tax realised by way of stamp ;
- (4) the number of properties that were sold by forced sales by mortgagees, the Official Assignee and by order of the Court ;
- (5) the total amount of the sale price of such properties ;
- (6) whether the increase of stamp duty on transfer of property from  $1\frac{1}{2}$  per cent. to  $3\frac{1}{2}$  per cent. has had any effect on the sales of properties ;
- (7) if so, what ?

The Honourable Mr. J. L. RIEU : (1) and (2) Attention is invited to columns 6, 7, 9 and 10 of Form I of the triennial report of the Registration Department for the calendar years 1923-25 and of the Annual Report for the calendar year 1926. The figures for the financial years are not available.

(3) Information will be called for.

(4) and (5) Government regret their inability to compile these statistics as the labour involved in so doing would not be commensurate with the public utility served by them.

(6) and (7) Government are unable to make any definite statement in the matter since many factors, besides the rate of duty, influence the extent to which transfers of property occur.

Mr. HOOSENALLY M. RAHIMTOOLA : Why are not the figures available ?

The Honourable Mr. J. L. RIEU : The particulars as explained in the reply are only totalled up for the calendar year and in order to obtain figures for the financial year, they would have to be scrutinized and entirely recast.

#### REVENUE IN BOMBAY CITIES : INCIDENCE

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(1) the total amount of revenue collected from the principal cities of the Presidency having a population of over a lac under the following heads :—

- (i) Municipal ;
- (ii) Provincial ;

(2) the population of each such city ?

The Honourable Sir CHUNILAL MEHTA : (1) (i) and (2) A reference is invited to statements I and II appended to the Resolution reviewing the Reports on Municipal Taxation and Expenditure in the Bombay Presidency (including Sind).

(1) (ii) Information is being collected.

#### LILAPORE SCHOOL : SIXTH STANDARD

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(a) whether Government was lately pleased to order the opening of a 6th Standard in the School in Lilapore Village, taluka Bulsar, district Surat ;

(b) whether the Head Master was asked to open the 6th Standard if six or more pupils could be had for this school ;

(c) whether the Head Master reported that six pupils could not be had ;

(d) whether at present six pupils from this village, viz., (1) Magan Gopal, (2) Chhotu Chhiba Kumbhar, (3) Chhiba Jivan Dhebaro, (4) Vithal Bhika Bava, (5) Gokal Ghela, (6) Jivan Ranchhod Koli, are going to Schools in other villages ;

(e) whether Government propose to take any action against the Head Master for sending false report to his superiors ;

f) when they intend to open the 6th Standard in this School ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) No.

(b) Yes, on condition that it was attended by at least 5 pupils on an average throughout the year.

(c) Yes.

(d) Yes.

(e) No : the report of the Head Master was not false.

(f) Standard VI will be allowed to be opened in the school when there is an average number of at least 5 pupils ready to join it.

Mr. H. B. SHIVDASANI : If you read the reply to (c) with reply to (d) and (e), does it not follow that the head master made a false report that six pupils were not available ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Some of the boys who were attending the school in the other village were not willing to leave their class and to attend the new class which was going to be opened there and therefore six students could not be obtained.

Mr. H. B. SHIVDASANI : Why were not the students willing to go to a school in their own village but were willing to go to a school outside their village ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the honourable member wishes it, I will read the report itself for his information. Here it is :—

Extract paragraph 1 (e) of the Educational Inspector, N. D.'s letter no. 6553 of 2nd September 1927.

Of the 6 pupils referred to in part (d) of the question only two, viz., nos. 1 and 2 were willing to join standard VI as desired by their guardians. Number 3 has never studied in the Lilapore school. He has been studying in the Local Board school, Bhadeli, right from the beginning of his school life. He stays on the river side at a little distance from Lilapore and the path from that place to Lilapore remains muddy and full of water during the monsoon whereas there is a pacca road between that place and Bhadeli. His guardian is not, therefore, willing to send him to Lilapore School. His Statement no. 1 to this effect with its English translation accompanies. The guardian of no. 4 also is not willing to send his son to Lilapore on the same ground. (Vide his Statement no. II). Numbers 5 and 6 left the Lilapore school in the beginning of April last as their guardian wanted to put them to an English School (vide his Statement no. III). Thus it will be seen that only 2 pupils were ready to join Standard VI which could not be opened as there was no possibility of an average number of pupils (vide Statement no. IV).

Mr. H. B. SHIVDASANI : Is it because the head master of the school is unpopular with the people that no pupils are willing to go to his school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot say, I do not know anything about it.

Mr. H. B. SHIVDASANI : Has he created parties in the village ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I know nothing about it.

#### ENGLISH SCHOOL, MANDVI

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

- (a) whether there is an English school in Mandvi, district Surat ;
- (b) what has been the total number of boys attending this school in each of the last three years ;
- (c) what has been the yearly income of this school for each of the last three years ;
- (d) what has been yearly expenditure of this school for each of the last three years ;
- (e) what is the unbuilt area of the compound of this school ;
- (f) whether there is a proposal before Government to acquire houses of some poor agriculturists for this school ;
- (g) if so, for what purpose is this land required ;
- (h) what is the estimated value of the land proposed to be acquired ;
- (i) whether no cheaper play-ground can be found which would not necessitate the dispossession of poor agriculturists ?

The Honourable Dewan Bahadur HARILAL D. DESAI :

(a) Yes.

Year	Number of boys attending the school			
(b)				
1923-24 .. .. .	..	..	..	115
1924-25 .. .. .	..	..	..	125
1925-26 .. .. .	..	..	..	127

Year	Income			
(c)				Rs.
1923-24 .. .. .	..	..	..	7,057
1924-25 .. .. .	..	..	..	8,280
1925-26 .. .. .	..	..	..	8,808

Year	Expenditure			
(d)				Rs.
1923-24 .. .. .	..	..	..	7,057
1924-25 .. .. .	..	..	..	8,280
1925-26 .. .. .	..	..	..	8,808

(e) Approximately 4,200 sq. ft. now used as play-ground.

(f) The proposal to acquire two plots measuring 5,280 sq. yds. was approved by Government and a notification under section 6 of the Land Acquisition Act was issued under No. 7803, dated 4th July 1927. On one of these plots there are three small houses. The other plot is vacant.

(g) For extension of the play-ground and for future expansion of the school.

(h) Rs. 3,960.

(i) No suitable land for play-grounds in the vicinity of the school is available.

Mr. H. B. SHIVDASANI : With regard to reply to (i), is it adjacent or in the vicinity ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not only adjacent but in the vicinity also.

Mr. H. B. SHIVDASANI : Is it necessary that the play-ground must be in the vicinity of the school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It would be very good if it were in the vicinity.

Mr. H. B. SHIVDASANI : Should the land of a poor agriculturist be acquired for providing a play-ground in the vicinity ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There are only two huts on the land, and there would hardly be any hardship caused to the owners of those huts.

Mr. H. B. SHIVDASANI : Is a play-ground a public purpose ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is certainly a public purpose.

Mr. H. B. SHIVDASANI : Even for an aided school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

#### SCHOLARSHIPS IN SYDENHAM COLLEGE FOR DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) how many scholarships for the encouragement of the depressed classes are provided in the Sydenham College of Commerce ;

(b) if none is provided, whether they propose to take any steps in the matter ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Three scholarships of the value of Rs. 35 per mensem each tenable for three years have been sanctioned at the Sydenham College of Commerce and Economics for the " Backward " classes (including the depressed classes) as distinguished from the " Intermediate " classes. No scholarships are exclusively reserved for depressed classes.

(b) Government do not consider it necessary to reserve any scholarships for the depressed classes exclusively at the college.

#### DHOLERA VILLAGE SITE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether they are aware that the village of Dholera in the Dhandhuka Taluka of the Ahmedabad District consisted of about 60 huts before 1802 A.D., the year in which a treaty was signed between the East India Company and the Girasias of Dholera ;

(b) whether they are aware that after the year of the said treaty, the East India Company invited outside traders and induced them by giving lands free or by sale to populate the present town of Dholera with a view to develop the commerce of Dholera port ;

(c) whether they are aware that almost the whole of the present village site of Dholera consists of houses built on the lands granted free or by sale by the East India Company between 1802 and 1858 A.D. and by Government thereafter ;

(d) if the answers to (a), (b) and (c) are in the affirmative, why those facts were not brought to the notice of the District Judge of Ahmedabad by Government or their pleader in Civil Suit No. 14 of 1913 ;

(e) whether it is a fact that the present village site has been handed over to the talukdars in the judgment of that suit and the permanent rights of the inhabitants of Dholera who had built their houses on lands given free or by sale by Government have been endangered ?

The Honourable Mr. J. L. RIEU : (a) Government have no information as to the size of the village of Dholera before 1802 A.D.

(b) Yes. This information came to notice when certain people of Dholera produced the documents of sales or gifts before the Revenue Officials in 1925-26.

(c) In the absence of a detailed enquiry about the village site plots it is not possible to give definite information on this point.

(d) Government were not aware of the full facts at the time, and any information about their title deeds that the people may have had could not be produced, as they were not parties to the suit.

(e) It is the fact that, as against Government the talukdars have been declared to be entitled to the village site, but Government are advised that any rights which the inhabitants may possess are not affected by the decree in this suit, to which they were not parties. It is open to them to assert their claims in a civil court if so advised.

Mr. J. C. SWAMINARAYAN : With reference to (d), why have not Government taken steps to have the miscarried judgment revised by the High Court ?

The Honourable Mr. J. L. RIEU : It was too late then. The period of appeal had expired.

Mr. J. C. SWAMINARAYAN : After fresh evidence was in the hands of Government, why did not Government take steps to see that proper justice was done to the villagers ?

The Honourable Mr. J. L. RIEU : It was the business of the people whose rights were affected, not of Government, because Government had no knowledge of the existence of this evidence. The people knew perfectly well that litigation was proceeding and yet they never took steps to inform Government. If Government had been informed, it is possible that this documentary evidence would have been made use of.

Mr. J. C. SWAMINARAYAN : With regard to reply to (e), can the people whose rights are affected, take action ?



The Honourable Mr. J. L. RIEU : Certainly, it is open to them to do so.

#### DHOLERA VILLAGE SITE : OWNERSHIP

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether the rights of the citizens of Dholera, a village in the Dhandhuka Taluka of the Ahmedabad District, were involved in Civil Suit No. 14 of 1913 owing to the ownership of the village site being one of the points at issue in the said suit ;

(b) if so, why they did not consult the citizens of Dholera during the pendency of the said suit and give them an opportunity to produce evidence in support of their rights ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) Government were not in possession of all the facts and hence the people of Dholera were not made parties to the suit. There was therefore no occasion to ask them to produce evidence. It was however open to them to do so while the suit was pending.

#### INAMDAR OF PATRI : DETENTION OF CROPS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether, during the year 1927, the Inamdar of Patri has detained in the Makhal (grain yard) fifty-two maunds and eight and a half seers of rice, falling to the share of the cultivator Koli Tala Bechar at the time of the distribution of crops ;

(b) if the answer to (a) is in the affirmative, why the share of rice of the said cultivator has been detained ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Tala Bechar having failed to pay his tagai dues, his share of paddy was detained by the Inamdar according to the prevailing practice.

Mr. J. C. SWAMINARAYAN : Have not Government enquired whether there were any dues actually owing to the inamdar by Tala Bechar ? My information is that he took some money some 14 years ago but subsequently had paid it off.

The Honourable Mr. J. L. RIEU : That is a matter between Tala Bechar and the inamdar.

Mr. G. I. PATEL : Since how long was that tagavi due outstanding ?

The Honourable Mr. J. L. RIEU : That question was not asked and I have made no enquiry about it.

#### ANNA VALUATION COMMITTEE'S REPORT

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether they have received the report of the committee appointed to consider the best method of fixing the annewari valuation of the crops ;

(b) whether they have passed a resolution on the report of the said committee ;

(c) if the answers to (a) and (b) are in the affirmative, the reasons why the said report and resolution have not been supplied to the members of the Legislative Council ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) Copies of the report which was printed as an appendix of the Resolution of Government dealing with it were distributed to those Members of the Legislative Council who were members of the committee. By an oversight copies were not forwarded to all other members of the Council. This is now being done.

#### INAMDAR OF PATRI : DESTRUCTION OF HOUSE

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is true that the servants of the Inamdar of Patri demolished a house of Koli Tala Bechar on Monday the 4th April 1927 at 3 p.m. in broad day light ;

(b) if the answer to (a) is in the affirmative, under what provisions of the law the said Inamdar exercises the power of destroying the private property of poor cultivators ;

(c) if the demolition of the house has been carried out without any provision of the law, whether Government intend to prevent such wanton destruction of property of poor cultivators ?

The Honourable Mr. J. L. RIEU :

(a) The Inamdar's servants demolished a house to the ownership of which Tala laid claim.

(b) The house originally belonged to Vaja Dana, uncle of Tala's father. After the death of Doshi, daughter of Vaja Dana, it was resumed by the Inamdar. Bhagwan Dosa who occupied it as a tenant of Doshi passed a rent note in favour of the Inamdar and paid rent to him. The Inamdar claims the house through the right of reversion and does not admit the claim of Tala as the adopted son of Vaja Dana. The Darbar admits the demolition of the house for the purpose of widening the road.

Tala claims the house as the adopted son of Vaja Dana. He has filed a complaint against the Inamdar's servants in the court of the First Class Magistrate, Viramgam. The case has not yet been decided.

(c) The matter is *sub-judice* and Government would not be justified in interfering.

Mr. J. C. SWAMINARAYAN : Before establishing his claim, what right does the Inamdar possess to demolish a house belonging to another man ?

The Honourable Mr. J. L. RIEU : I cannot say. That is a matter between the Inamdar and the person affected.

Mr. G. I. PATEL : Will Government be pleased to influence the Inamdar in such cases in future to prevent us from bringing bills against them ?

The Honourable Mr. J. L. RIEU : They have no power to do so.

Mr. J. C. SWAMINARAYAN : Are Inamdars at liberty to demolish any houses at any time ?

The Honourable Mr. J. L. RIEU : Yes, if they are prepared to face the risk of prosecutions or civil actions.

#### INAMDAR OF PATRI : DOOR TAX

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Inamdar of Patri charges an illegal tax, called the door tax, at the time of construction or repair of houses from the residents of Patri and compels the payment of the said illegal tax by preventing the masons, carpenters and labourers from doing the work and by obstructing the use of water of the village tanks ;

(b) if so, what steps Government have taken to prevent the Inamdar from exacting the said illegal tax by illegal methods ?

The Honourable Mr. J. L. RIEU : (a) The Inamdar levies the amount which is fixed by negotiation between him and the party concerned because the party obtains a new right of easement against the Inamdar by the opening of new doors and windows facing on to his land. Pressure to pay such amounts is not put upon the people by the device of withholding the labour of masons, carpenters and labourers or of obstructing them in their use of the village tanks.

(b) Government are not aware that the action of the Inamdar is illegal and they do not propose to take any steps in the matter.

Mr. F. J. GINWALLA : It is stated in the reply that the Inamdar levies the amount which is fixed by negotiation between him and the party concerned because the party obtains a new right of easement against the Inamdar by the opening of new doors and windows facing on to his land. Are Government aware that the reason assigned is not correct, and that there cannot be an easement if doors and windows are opened in a building against open land ?

The Honourable Mr. J. L. RIEU : That is a legal question which I am not able to reply to.

Mr. J. C. SWAMINARAYAN : Is not the Honourable Member aware that section 37 of the Land Revenue Code lays down that public roads are not property belonging to any private individual, but vest in Government ?

The Honourable Mr. J. L. RIEU : That is the whole question. The land is not public land.

## GHOGHO PORT DEVELOPMENT

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they are considering the question of developing the port of Ghogho ;

(b) if so, what has been the result of those considerations ;

(c) when they will undertake the development of the said port ?

The Honourable Mr. J. L. RIEU : (a), (b) and (c) Government have carefully considered the question of developing the port of Ghogho but find it impracticable to pursue the scheme.

Mr. LALJI NARANJI : Will Government be pleased to say whether the development of the port of Ghogho being found impracticable is due to economic or political reasons ?

The Honourable Mr. J. L. RIEU : There are several reasons. One is the enormous cost of dredging that would be involved, and another is the fact that Ghogho is cut off from the other British territory by a strip of Bhavnagar territory, and that therefore any railway communication would have to be led through Bhavnagar State.

Mr. G. I. PATEL : What is the approximate cost estimated ?

The Honourable Mr. J. L. RIEU : No estimate has been made ; it would be very costly even to make an estimate.

Mr. G. I. PATEL : Is it costly to make an estimate, or is it costly to carry out the scheme ?

The Honourable Mr. J. L. RIEU : Both are costly. It would be very costly to make an estimate, the carrying out of the scheme involves a very large amount of dredging, and it would be very difficult to form a reliable estimate of the cost.

Mr. J. C. SWAMINARAYAN : Are not Government aware that Ghogho is on the high seas ?

(No reply).

## GHOGHO PORT DEVELOPMENT : REPORT OF INVESTIGATING OFFICER

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they deputed an officer to Ghogho for examining the possibility of the development of that port ;

(b) if so, whether they will place the report of that officer on the Council table ;

(c) what action they have taken on that report ?

The Honourable Mr. J. L. RIEU : (a) Yes, Ghogho and a number of other places.

(b) Government regret their inability to place the report on the Council table.

(c) The attention of the Honourable Member is invited to the reply given to his question above.

Mr. J. C. SWAMINARAYAN : Is it a confidential report ?

The Honourable Mr. J. L. RIEU : Yes, it is.

Mr. J. C. SWAMINARAYAN : Would there be any loss if the report is published ?

The Honourable Mr. J. L. RIEU : Government consider it undesirable to publish the report.

Mr. LALJI NARANJI : Will Government state what other places were examined by this officer

The Honourable Mr. J. L. RIEU : A number of places on the coast of the Gulf of Cambay.

Mr. LALJI NARANJI : Will he please give the names of the other places ?

The Honourable Mr. J. L. RIEU : I cannot remember the names, but I know one name, Whittle bunder. Special attention was paid to the substitution of another port to take the place of Whittle bunder.

Mr. G. I. PATEL : Out of these 15 places, is there no suitable place for the opening of any kind of port ?

The Honourable Mr. J. L. RIEU : I can say that the report was unfavourable in respect to the great majority of the places. But Government are still considering the question of the place that I just mentioned.

Khan Saheb A. M. MANSURI : Was the port of Dholera considered ?

The Honourable Mr. J. L. RIEU : The question is still under consideration.

Mr. J. C. SWAMINARAYAN : Do Government know that the officers who visit Ghogho port are prejudiced on their way to Ghogho by the officers of Bhavnagar State who treat them with most sumptuous hospitality ?

The Honourable Mr. J. L. RIEU : I decline to answer that question.

Mr. LALJI NARANJI : If the reasons are economic, have Government any objection to inform the House by a short statement what the reasons are ?

The Honourable Mr. J. L. RIEU : If the honourable member will address a separate question to me, I shall consider what information can be given.

Mr. J. C. SWAMINARAYAN : Will Government depute an officer to go to Ghogho without receiving the hospitality of the Bhavnagar State on the way and make this independent enquiry ? .

The Honourable the PRESIDENT : Order, order. That is a suggestion.

## P. R. TRAINING COLLEGE, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they have issued orders to continue Premchand Raichand Training College, Ahmedabad, only for the current official year 1927-28 ;

(b) if the answer to (a) is in the affirmative, what are the intentions of Government at the end of that year ;

(c) whether Government are going to make provision for the expenses of Premchand Raichand Training College in the budget of the year 1928-29 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Last year's arrangements have been continued, and no decision has been taken for the future.

(b) No definite statement can be made in the matter at present.

(c) Provision will be made in the next year's budget.

## FOREIGN LIQUOR LICENSES : TRANSFERS ON SURRENDER

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state on what principles their policy of transferring the surrendered foreign liquor licenses is based, and the reasons for adopting that policy ?

The Honourable Mr. G. B. PRADHAN : Any foreign liquor license, if cancelled or surrendered, is transferred to another licensee provided that the demand for such a license in the locality still continues.

Mr. J. C. SWAMINARAYAN : Does the Honourable Minister refer to the locality in which the license is surrendered ?

The Honourable Mr. G. B. PRADHAN : Yes.

Dr. M. D. GILDER : How is the demand ascertained ?

The Honourable Mr. G. B. PRADHAN : A lot of applications come in.

Dr. M. D. GILDER : How is the license determined ? By public advertisement ?

The Honourable Mr. G. B. PRADHAN : (Inaudible).

Dr. M. D. GILDER : It has been stated that the license if cancelled or surrendered is transferred to another licensee. How is the new licensee found ?

The Honourable Mr. G. B. PRADHAN : I would ask for notice.

Mr. J. C. SWAMINARAYAN : May I understand from this reply that in the case of a surrendered license, it can be transferred to another licensee in the same locality ?

The Honourable Mr. G. B. PRADHAN : Not necessarily.

Mr. J. C. SWAMINARAYAN : Can a surrendered license be transferred anywhere ?

The Honourable Mr. G. B. PRADHAN : Yes, to another locality, if that is required.

Khan Saheb A. M. MANSURI : Are there any cases where it has been surrendered ?

The Honourable Mr. G. B. PRADHAN : I would ask for notice.

#### LAND RENT : IGATPURI

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether their attention has been drawn to the complaints of Igatpuri people that with regard to land rent of rupees fifty and annas six per acre in that station, the concessions given by Government relieved only the bungalow owners while the poor people holding open lands were being charged a high rent ;

(b) what steps they intend to take in the matter ?

The Honourable Mr. J. L. RIEU : (a) No such complaints have been received.

(b) Does not arise.

Mr. R. G. PRADHAN : Have not Government received a resolution passed by the public meeting of the landlords ?

The Honourable Mr. J. L. RIEU : No, not that I am aware of.

Mr. F. J. GINWALLA : May I be permitted to ask my question ?

The Honourable the PRESIDENT : I have repeatedly requested honourable members to be in their places when questions are asked.

#### GIRLS' HIGH SCHOOL, AHMEDABAD

Mr. F. J. GINWALLA (Bombay City, North) : Will Government be pleased to state—

(a) whether it is a fact that some girls were refused admission in the Girls' High School, Ahmedabad, on the ground that there was not enough accommodation in the schools to admit more girls ;

(b) if the answer to the question (a) be in the affirmative, whether it is a fact that the Girls' High School, Ahmedabad, is the only institution in the city of Ahmedabad where girls can take advantage of English education ;

(c) whether they intend in the near future to increase the staff and the accommodation in the Girls' High School, Ahmedabad ;

(d) whether they are aware that on account of want of space some of the classes of the Girls' High School, Ahmedabad, are held in the open verandah even in the hot weather and during the rains and that for practical work in Science the girls have to go to the P. R. Training College for Men ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) No.

(c) The plans and estimates for a new building for the Girls' High School, Ahmedabad, have already been sanctioned. Owing to financial stringency the provision proposed to be made in the current year's budget on this account was, however, subsequently omitted. The staff is adequate and sufficient to meet the present need.

(d) Yes. Because the laboratory is common to both institutions.

*(Consideration of Gujarat Talukdars' Act Amendment Bill resumed)*

The Honourable the PRESIDENT : I should request the honourable member to bear in mind that he has already addressed the House for a considerably long time. I hope he will have only a few more remarks to make.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, yesterday I referred to some of the questions I had asked and the replies given by Government on this question. These answers conclusively prove that cultivators are being cheated very badly and that this protection should be removed. The talukdars take advantage of this section to induce the cultivators to part with their money in buying their lands and, in lending money on mortgage and at last get back their lands from the people who have paid for them. In the talukdari estate of Mehlol in the Panch Mahals cases have happened where a talukdar has resumed certain lands from the cultivators who paid heavy amounts for them. At the time of selling land to cultivators they take what is called *sakar nazarana*, which is practically the price of the land. The talukdars take protection under this section and after a short period of two or three years take back the land and demand again *sakar nazarana*. If the cultivator does not pay the land is given to another man.....

The THAKOR of KERWADA : The honourable member is referring to *sakar nazarana* which is beyond the scope of the bill before the House which is for the repeal of section 31 of the Gujarat Talukdars Act. He refers to the liability of the talukdars, which can have no bearing on the issue before the House.

The Honourable the PRESIDENT : I have already pointed out to the honourable member that if he makes this as the main point of his speech it would be irrelevant. I gave him permission to refer to it only so far as it would go to support his bill and not to make it the chief aim of his speech.

Mr. J. C. SWAMINARAYAN : What I want to say is that *sakar* is practically the value of the land. The amount so paid is so heavy that it is sometimes much more than the value of the land itself. The poor ignorant cultivators are induced to pay this *sakar*, and after some time they are evicted from the lands, because the talukdars are protected under section 31. My point is that the lands should not be taken away back from the cultivators, and they should not be cheated in this manner.

The Honourable the PRESIDENT : I cannot allow any further reference to these outside matters which may be matters probably important for discussion.



Mr. J. C. SWAMINARAYAN : What I mean to say is that the talukdars whatever dealings they may have, they should not take advantage of this section. The money paid by the cultivators ought to be taken into account. What they do now is to take advantage of this section and cheat and deceive many cultivators. That is the point which I want to bring to the notice of this House by introducing this bill which is to repeal section 31 of the Gujarat Talukdars' Act.

The Honourable the PRESIDENT : I repeat I cannot allow him to digress into these questions.

Mr. J. C. SWAMINARAYAN : There are also various other reasons for repealing this section. When a private individual runs into debts, his property will be attached and sold in open auction and his creditors will be paid out of the sale proceeds. In the case of talukdars there is no limit to the liability they can incur because they are not to suffer the consequence on account of the protection given by section 31. This liberty that the talukdars enjoy falls very heavily on the ignorant cultivators.

In clause 2 of my bill I propose to repeal certain exemptions given to the talukdars. They are given certain exemptions from sections 127 to 136 which relate to record of rights.

The Honourable Mr. J. L. RIEU : May I ask the honourable member to refer to the Land Revenue Code and see whether any of the sections mentioned refer to the record of rights ?

Mr. J. C. SWAMINARAYAN : The talukdars are exempted from the provisions contained in sections 135A to 135L. I do not see any reason why they should enjoy any exemption. They must be governed by the ordinary law of the land.

Mr. F. G. H. ANDERSON : I rise to a point of order. The honourable member says that he proposes by his bill to amend section 135, but it was repealed by the Act of 1912.

Mr. J. C. SWAMINARAYAN : If that is so my point is gained. Therefore, what I mean to say is that if the sections regarding record of rights and village surveys are applied to them, the cultivators will have their rights determined as regards the land on which their houses stand, and constant quarrels between the tenants and the talukdars will disappear. It will be possible to determine the respective rights of talukdars and tenants by a regular survey of village sites and the introduction of record of rights. It is necessary that the cultivators should know what they possess and the talukdars should not be allowed to encroach upon the rights of tenants at each and every stage. It happened last year when the houses fell down owing to floods that the people were not allowed to rebuild their houses. (The Thakor of Kerwada : There were no floods last year.) There were floods in Dholka taluka last year owing to heavy rains. After the destruction done by floods last year, the cultivators were prevented from reconstructing their houses.

Mr. H. B. SHIVDASANI : On a point of order, Mr. President. Is this all relevant on an amendment for deleting section 31 ?

The Honourable the PRESIDENT : I have been pointing that out to the honourable member, but he does not seem to see the thing. Most of his speech is really irrelevant and outside the scope of the bill he has brought in.

Mr. J. C. SWAMINARAYAN : Sir, I am referring to clause 3 of my bill. There were many applications to this honourable House in February session of 1927 from the cultivators stating that their houses had fallen down and they were not being allowed to rebuild them and the talukdars were coming in their way. There were petitions to this honourable House during the last winter session. People whose houses had fallen down were not allowed by the talukdars to rebuild, and this fact is known to the honourable House. Afterwards, through the intervention of Government and the intervention of the Collector, they were allowed to rebuild their houses. Therefore, the respective rights of the tenants and the talukdars should be settled by regular village surveys and by the introduction of record of rights. It is with that object that I have put in clause 3 of this bill. If that clause is passed, there will be no cases of quarrel between the talukdars and their tenants.

The aim of this bill is to see that there is no differentiation between the ordinary people and the privileged people. This bill will remove the differentiation that exists at present ; if this bill is passed, the talukdars will come to the same level as that of the ordinary people, and if they lead a good life they will be happy. It is because they are given special protection at present that they do not live a good life and consequently place themselves into great misery. Therefore, it is in their own interests.....

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, may I point out to my honourable friend that he has caught hold of an old copy of the Act ? The amended section 33 mentions sections " 127 to 134, 136, 163." He is talking therefore of the old section which has been amended since.

Mr. J. C. SWAMINARAYAN : Then, I think Government also have seen the necessity of what I am proposing at present, and they have moved in the right direction. Therefore, it is imperatively necessary in the interest of the talukdars themselves to have this section 31 repealed. Under that section the talukdars, when they are in need of money, have to go to the Collector for sanction and to please the karkuns and other subordinates of the Collector, and in the result they do not get the exact amount, which they would if they were free to mortgage their lands. They have to suffer a loss, because, for the purpose of getting permission, they are put to unnecessary trouble and unnecessary expenditure. Just now, Government act in such a way as if this section 31 does not exist, because any talukdar who wants permission is given permission to mortgage his land or sell his land. Therefore, in practical administration section 31 of the Gujarat Talukdars' Act is not applied. I find that an officer named Mr. Gordon, I.C.S., was appointed for the purpose of making investigations into this matter, and that officer, I believe, has reported

[Mr. J. C. Swaminarayan]

that section 31 should be repealed. Unfortunately, although I asked that a copy of that report may be placed on the Council table, it has not been placed on the Council table. Therefore, I cannot definitely say what his recommendation is, but I have heard that he has recommended the repeal of section 31 in the interests of the talukdars themselves. If that section is repealed I think that will do immense good to the talukdars; they will keep their expenses within their income, and they will be very happy if this protection is taken away. Therefore, I move the first reading of Bill No. XXIII of 1927.

Question proposed.

The Honourable Sir GHULAM HUSSAIN : Sir, I have been listening to the speech of the honourable mover both yesterday and today with great interest and attention, but I have failed to see how he can characterise this bill as in the interests of the tenants. He has not said a word to show how this bill, if passed into law, will benefit the tenant. I may assure the honourable mover that I am as much interested in the preservation of the landed aristocracy of this presidency as in the prosperity of the tenantry of this presidency. All along he has been saying that the protection afforded to the talukdar should be done away with, and if that is done the talukdar will be free and independent and will not be required to go to the Collector to dispose of his lands. If the talukdars have such friends as my honourable friend, well might they cry "Save us from our friends." If this bill is passed, and the protection taken away, it will benefit the sowcar, the money-lender, and not the tenant; it will ruin the landed aristocracy of Gujarat without benefiting the tenant; it will in fact allow the money-lender to take the place of the talukdar, and I will presently show that when the money-lender takes the place of the talukdar, the poor tenant will suffer much more hardship than at present. What are the reasons given by him for his bill in his statement of objects and reasons?

He says that the talukdars have led extravagant lives bringing chronic indebtedness in their train. Now these are his reasons for bringing in this bill. Let us see how this statement stands the test of scrutiny. No doubt the original object of section 31 was to protect the landed aristocracy and but for that section these talukdars would have been wiped out in Gujarat and we would never have heard of them today. What do we find? No doubt the talukdars are indebted, but they are getting wiser and more and more prudent. That is what we find from the latest report of the administration of the talukdari estates in Gujarat. You will find that in 1922-23 there were 110 estates under the management, and the total debt was about Rs. 6 lakhs. I again refer the honourable the mover of this bill to the report for the year 1925-26. There he will find that owing to this protection the total estates under management was only 38.

Mr. J. C. SWAMINARAYAN : Government have changed their policy.

The Honourable Sir GHULAM HUSSAIN : Further, owing to this section, their indebtedness was reduced from Rs. 6 lakhs to Rs. 3,25,000. These figures will tell their own tale, and I need not comment on them.

Let us further examine the plea of my honourable friend. He wants to free the inferior holders from hardship and misery. But from what I heard from the honourable member, he displayed complete ignorance of the facts as well as of the law in regard to talukdari estates. He created an impression on this House that the talukdari tenants were permanent tenants. I may tell my honourable friend that there are some permanent tenants, but that there are also a large number of tenants-at-will in the talukdari estates.

Then, Sir, he trotted out another argument and I pity the honourable member's ignorance that most of the tenants in the talukdari estates share the produce though there are some who have to pay rent also. So far as the case of those who share the produce is concerned, we know and the tenants know what is their share of the produce as well as that of the talukdars. Everybody is entitled to his own share and everybody gets his own share. The honourable member did not quote a single instance of hardship caused by rack-renting. Suppose we do away with this section 31, then the talukdar may go on contracting debt and he would even dispose of his land. He would not go to the tenant, but he would go to the sowcar and when the latter steps into his shoes, much more hardship and misery will be the result. My honourable friend only wants King Stork for King Log. The position will be worse than what it was before.

Then my honourable friend wanted a settlement survey of the talukdari lands as well as a record of rights. But I would refer him to section 5 which says :

" A settlement register prepared by the survey officer under section 108 of the said code on the occasion of making any such survey shall, unless Government otherwise direct contain, etc., etc."

If he wants to secure even the tenants' rights, it is provided for in 5 (e) (V) which says :

" Any other particulars which Government shall from time to time direct." Everything is contained there.

My honourable friend has made out no case whatever. The bill is, I think, in the interests of the money-lenders without benefiting the tenants. With these words, I oppose the bill.

Mr. N. B. CHANDRACHUD (Poona City) : Sir, I have listened to the speech of the honourable mover of this bill. I find that he has mentioned some very interesting facts and in some cases he was very pathetic. But all this was absolutely beside the point. Before I proceed I may be permitted to bring to the notice of the House a resolution passed by a conference of the Sardars and Inamdars in the Deccan. The Sardars and Inamdars of the Deccan and I believe of Gujarat also held a conference and they passed unanimously a resolution that their hereditary inam villages should be made inalienable. This was the joint demand of all the sardars and inamdars and the House will see that there is a vast deal of

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difference between the position of the Gujarat talukdars and the inamdars in the Deccan. The inamdars in the Deccan are only the grantees of the royal share of the revenue. They are not owners of the soil. While, as a matter of fact talukdars in Gujarat are in my opinion far superior to the position of the sardars and inamdars in the Deccan. Talukdars are the descendants of many of the ruling families. Many of them come from ancient ruling families, and I believe only this morning I read in the papers somewhere that the wife of a brother of Shrikrishna was from one of these Kathiawar talukdar families (Laughter). At any rate, many of the talukdars are the descendants of ruling princes, and it is absurd to say that they are only the owners of the royal share of the revenue. Now, in the first place, supposing the bill is passed—and I doubt whether the bill will be passed—still I fail to see how it will improve the position of the tenants. I assume, for argument that some of the talukdars may be exacting, may be oppressive. But, supposing a talukdar sells his estate, what follows? Just as the Honourable Minister said, in place of A, B will come; and perhaps B may be a worse man than A. The talukdars have got at least their hereditary rights, their hereditary titles, hereditary honour, and all these things combined make him give due regard to all those things and to act accordingly. But if B comes, he does not care anything at all for all those things. And even assuming Sir, that a talukdar is oppressive, it is only a question of demand and supply. What right have you to complain as a tenant against a talukdar, when it is a question of demand and supply? Do you complain that the Bombay landlord is exacting in his demand against a tenant? If you cannot complain against the Bombay landlord, what right have you to complain against the talukdar? The talukdar is the master of the soil, as I have already said. If the tenant wants to stick to the soil, he must pay the rent demanded by the talukdar. If the tenant cannot afford to pay the rent asked for, then the better thing is that he may go away. He has no right to complain of the oppression of the talukdar. A number of allegations have been made against these talukdars. I do not know whether they are correct or incorrect. If they are incorrect, they are beside the point. If they are correct, I believe the talukdars also will take a lesson, because, as my honourable friend has said, these are not days of privileged classes. These are days of democracy and equal rights. I think if the talukdars will take a lesson from the discussion of this bill in this Council, even if the bill is not passed, the object of my honourable friend will be achieved, because they will know that henceforth they will have to pursue a liberal policy, they ought to be lenient towards their tenants, they ought not to harass the tenants, and I believe in this way the discussion in this Council will achieve that object.

About section 31, I say that this was introduced in the Act in the interests not only of the talukdars, but of the people also. Now, supposing that a talukdar is given the power of alienation, in the first place, we have to bear in mind that these talukdars are the descendants of former ruling princes, and even according to our Hindu Shastras, a King has no power at all to mortgage his property, his kingdom, because his

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kingdom is only a trust entrusted to him and he is a trustee. He has to administer the kingdom in the interests of the subjects only.

Mr. B. V. JADHAV : Can he gamble with it ?

Mr. N. B. CHANDRACHUD : He cannot gamble. They have absolutely no power to sell their estates. In the second place, it is said that the talukdars have no power to mortgage or sell their estate, but they make a number of demands and, as a matter of fact, they cheat people, and Government also are a party to their cheating, because Government officers register their documents. If you know the real position, Sir, you will at once find that it is not the business of the registrar to see whether the property which is mentioned in the document belongs to A or not. He has only to see whether the party registering is the party concerned. He has to satisfy himself only as regards the formalities of the document. Then, if all those formalities are gone through, it is no business of the registrar to see whether the talukdar sells his property or not. My honourable friend might as well sell this Council Hall, and the registration officer is bound to accept his document for registering. It is not the business of the registration officer to see whether the talukdar has power to sell his property or not. Secondly, it is all right to say that these talukdars cheat people. But why should people allow themselves to be cheated ? This Act has been in existence for the last 40 years. If in spite of this fact, people go to the talukdars and just induce them to take money, is it any fault of the talukdars ? Ignorance of law is no excuse, that is the maxim of law, and if any person in ignorance of the law advances any money or takes in mortgage the property of the talukdar, I do not think he can fight for any protection from the courts ? So, this section 31 is absolutely in the interests of the public, not the talukdar. Now, Sir, it is all right, when we have got security from the British Government and sit in the Council, to say these talukdars are bad and that they are oppressive, and so on. But, my friends, have you got short memory ? Have you any idea of what the talukdars have done in the past and what they have suffered ? In the English history also we see that the nobles were the first to rise against the King. So, everywhere you find that the first attack has had to be faced or borne by the aristocracy. It is all right to say the talukdars are very wicked. But you must, after all have some respect, some memory, some reverence, for the aristocratic families. It is in the interests of the State to keep up these aristocratic families, and it is in the interests of society, and if we say, " Oh, the aristocratic families have had their day and now they must cease to exist," I believe we will have to give way to principles of Bolshevism. All property is to be divided equally among everybody and everybody will be on the same footing. Of course, that would be the state if these principles of Bolshevism were accepted. So, I submit that it is in the interests of society desirable to keep up these old aristocratic families, as a link at least between the Government and the common people. They ought to be maintained, and it is in the interests of society to maintain these talukdars and not to allow them even to

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mortgage their property. Therefore, the one demand which the Sardars' Conference unanimously made was that they should not be given this power to mortgage their property. These Talukdars are living beyond their means. And just as I have said, they will all take a lesson from the discussion in this Council. But that is no fault of theirs. They have been accustomed to exorbitant way of living from their birth. They are accustomed to heavy expenses. But I think this is a very effective and convenient section and that section ought to be allowed to remain. With these words I oppose the first reading of this bill.

The Honourable Dewan Bahadur HARILAL D. DESAI: Mr. President, I have been conversant during the last 30 years with the operation of the Gujarat Talukdars' Act, and I may, therefore, attempt to place before this honourable House the importance of section 31 in the scheme of the Act. After 1818 the province of Kathiawar was carried out as an agency.

After 1818 the province of Kathiawar was carved out as a separate agency and all the talukdars, who were within the jurisdiction of that area, were regarded as talukdars and full proprietors, but those of them who were residing in the various talukas of the Ahmedabad district as constituted, namely, Dholka, Dhandhuka, Viramgam and Ghogo, as well as Prantij and Modasa, came under the civil jurisdiction of British India, and between the years 1818 and 1862 these talukdars were mistakenly regarded as lease-holders rather than as proprietors of their estates, and during that period they incurred very large debts and there being no bar of legislation to protect their estates, some of the estates went to their creditors or were sold at auctions. Consequently, in the year 1861 the Bombay Government brought in a bill which eventually became Bombay Act V of 1862, called the Ahmedabad Talukdars' Act, and therein they recognised the talukdars as proprietors of their estates. A scheme was framed so as to liquidate their debts and the estates were taken under management. Between 1862 and 1888 the debts were liquidated and the estates were released, but by 1888 several estates, whose debts were liquidated, again became indebted and consequently a bill was brought forward which eventually became Bombay Act VI of 1888, the Gujarat Talukdars Act. Consequently, Government recognised one underlying principle with reference to these talukdars that a talukdar was a life-tenant and that therefore, though he could use the income for his own benefit during his life-time, though he could incur unsecured debts which would be recoverable during his life-time, whenever he attempted to create secured debts or to alienate the property, then a bar was put to his doing so by the enactment of section 31 which is the subject matter of this bill. Section 31 consists of two-parts—clause 1 refers to incumbrances and mortgages which a talukdar can create during his life-time for the purpose of securing a debt, but if he wants to do so, he must obtain the previous consent of the Talukdari Settlement Officer. If he did not obtain that consent, then the security would not be valid beyond his life-time, but if he did incur the debt

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with the consent of the Talukdari Settlement Officer, then even after the death of the talukdar the estate could be proceeded against and brought to sale if necessary. Clause 2 of section 31 refers to alienation and either as a result of a debt incurred or under a decree of a court or out and out, no talukdari estate can be sold without the sanction of Government.

These two provisions were inserted in the Gujarat Talukdars' Act for the purpose of the protection of the estates and for the benefit of the successors of the life-tenant and there was nothing in the scheme of that section to afford any protection to the tenants or to anybody else. It was only with reference to them that Government recognised that it was a class of yeomanry who deserved protection against creditors and consequently these provisions were introduced. My honourable friend from Ahmedabad says in his statement of objects and reasons that the protection given by section 31 to the talukdars for the preservation of the integrity of the talukdars has been misused and the talukdars feeling secure under the protecting section have led extravagant lives. I submit that that is not correct. Rather their credit was reduced on account of the enactment of section 31 and consequently there was a bar to their getting extravagant, on the contrary they were protected by that section.

Then the honourable member says that the repeal of section 31 would compel the talukdars to keep their expenditure below their income. That also is fallacious, because when this protection is removed, they will be free to incur debts, their successors would not be secured against improvident habits of the previous holders, and consequently a repeal of this section would be to the great detriment of the talukdars and talukdari estates.

Reference was made to the rights of tenants. I submit that there is nothing in the section with reference to tenants. If tenants are proposed by the honourable member to be given higher rights than they at present possess which are more or less rights of tenants at will, then it will be another section of the Act which will require amendment and not the present one, and I therefore submit that the House will refuse to pass the first reading of the bill.

Mr. L. M. DESHPANDE (Satara District): Sir, I am sorry to have to oppose the first reading of the bill.....

Mr. F. G. H. ANDERSON: Who is supporting the bill?

Mr. W. S. MUKADAM: I am supporting the bill.

Mr. L. M. DESHPANDE: The right of talukdars is restricted by section 31. It is not that any privilege or right is conferred upon talukdars and it is for the talukdars themselves to say whether they want that they should be allowed to mortgage their estates and incur debts or not. It is for them to come forward and ask for this right if they want that right, and I do not think that any other person should come forward on their behalf and say "this is in the interests of the talukdars" as if the talukdars do not understand their own interests. They are up to the mark



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and are quite competent to understand what is or is not in their interests. This is not so only as regards Gujarat Talukdars' Act. We find that in all the other parts of the presidency similar restriction of inalienability has been placed on saranjamdars, inamdars and watandars, and we find that on the death of a saranjamdar the whole property is taken up by Government and given to the heir free of all incumbrances. If ever a saranjamdar were to create any incumbrances on the property in his life-time, all those incumbrances will go away and his successor will get the estate free of any incumbrances. This is not the case only with saranjamdars but it is also the case with watandars. The watandar class extends to a very large extent. Even Mahars can claim to be watandar Mahars and they really are watandars and they fall under class VI of inams. All these are inams and none of them have a right to sell or mortgage their property. None of them are entitled to mortgage or sell their property. Some of them are even allowed by Government to acquire this right of mortgage or sell by payment of one anna extra as nazrana to Government, but you will find that from 1863 to 1927 not even one has come forward to accept such a right given to them on the condition of paying one anna more. None of them are willing to become private owners of their property. On the contrary those inamdars and those life-holders, who have not been restricted and who are allowed to use their private holdings and given the right of mortgage and sale, now come forward and, as now stated by a previous speaker Mr. Chandrachud, all the inamdars and saranjamdars now say that they do not want to exercise the right of mortgage and sale but that they want protection, though this right of mortgage and sale is given to the inamdars. The honourable the mover says that the talukdar misuses his wealth and leads an extravagant life because he is in a position to do so. Quite contrary is the case. The honourable mover says that because the talukdar is protected, he leads an extravagant life. How can he do so, when he cannot mortgage or sell? No sowcar will come forward to lend money knowing that the talukdar cannot mortgage or sell his property without the consent of the Talukdari Settlement Officer. If anybody does come forward, he must be doing so with some other motive, because he fully knows that the talukdar has not more right to sell or mortgage and so the sowcar will refuse to lend him money and the talukdar will have to look to some other way of raising money. The sowcar will not be in any way a loser. The main cause dealt with by the honourable mover was the nature of the tenancy, and what the nature of the tenancy there is can be inferred from the speech of the Honourable Minister in charge of Local Self-Government. If the tenants there are tenants at will, I do not think that they can claim any more rights than ordinary tenants.

I think, at any rate, one thing is apparent. On the last occasion there was the question of imposing a local cess on the Gujarat talukdars, and somehow or other that measure was passed by the House, and that must have impelled him to bring forward another measure to do away with the Gujarat talukdars, who have played an important part in the history of

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Gujarat. I think that the aristocracy must be maintained. We find that the landed aristocrats in the Council are in a microscopic minority, and it is therefore that such attacks are made in season and out of season to deprive the aristocratic landholders of their rights, which they enjoy and which Government have been kind enough to continue. It is therefore necessary that we should see that those privileges are respected. With these words, I oppose the bill.

Mr. W. S. MUKADAM (Panch Mahals District): Sir, I know that the time allowed for non-official business is insufficient, and I will be very brief in my remarks. I rise to support my honourable friend from Ahmedabad, but I do so in the interest of the talukdars of Gujarat. I believe, Sir, that this move ought to have come either from the talukdars themselves or from the representatives of the talukdars in the Council. But to my utter surprise they have failed in their duty, and my honourable friend Mr. Swaminarayan has come forward to serve their purpose. I believe that a great principle is involved in this bill, and that is the principle of liberty. We have all come here in this Council for the sake of liberty, and individual liberty too. Here the question is of the liberty of a particular class. My honourable friend from Satara (Mr. Deshpande) just now stated that the Gujarat talukdars have played a great part in the history of Gujarat, and it is a shameful thing for us to see that that class which has played a great part in the history of Gujarat is still held in the silver shackles of slavery. This section which is proposed to be deleted by the bill takes away from the talukdars the right of disposing of their own property in any way they like. This is an individual right which ought to have been enjoyed by the talukdars, but for reasons best known to the Government, these rights of theirs have been usurped. We are in this House, Sir, to grant liberty so far as possible to the persons who deserve it. I think the talukdars should have the right, as other individuals, to mortgage or sell their property to any persons they like. To-day—I do not know for what reasons—the talukdars themselves may not like this bill. But in this world, we know that sometimes ignorant children, when father goes to give them a quinine pill or something which would cure them, bite the fingers of the father, but that does not mean that the father should leave the child to his fate and allow it to die. The talukdars may not like the bill at this moment; they may not even like to support us, but Sir, when they taste the honey, they would appreciate that this bill is in the interest of the talukdars.

I have heard some stories about prisoners. Several times I have heard that long term prisoners, when they know that their period of imprisonment is over, go to the jailor and say that they have enjoyed prison life, and it is their misfortune that they have to go out. But when they come out, and see that they are enjoying in the outside world more than in prison, they become happy. There may be weeping to-day, but as soon as they have a taste of independence and liberty, I am sure all these gloomy faces will disappear, and every talukdar in

[Mr. W. S. Mukadam]

Gujarat will bless my honourable friend Mr. Swaminarayan for bringing forward this bill.

Mr. W. W. SMART : Sir, with reference to the remarks of the honourable member who has just spoken I may say that I have received a telegram from the Talukdars' Association, in which they inform me that they strongly protest against this bill. The last speaker, I presume, supposes that he is more intelligent than the talukdars ; I presume also he supposes that his intelligence is far superior to that of the zamindars in Sind. The Muhammadan zamindars recently asked Government to introduce the Punjab Alienation Act into Sind, and a special officer, owing to their request, has been put on duty to study the effects of the Alienation Act in the Punjab. Many Hindu zamindars of great intelligence, who know English and who have degrees have come to me while I was in Sind, and stated that if the Alienation Act was going to be applied to the Muhammadan zamindars of Sind, they wanted to come in. I asked, why ? They said " We wish to protect our property which has been in our hands for generations against the possibility of one of our heirs turning out to be wasters." Now, I think, Sir, that that is a very natural sentiment. It is all very well for the last speaker, who has not any land probably, to talk about individual liberty.

Mr. W. S. MUKADAM : I have got my lands.

Mr. W. W. SMART : So, on behalf of the talukdars of Gujarat I strongly protest against this bill. If the honourable mover of this bill had come forward with some sort of proposal for tenancy legislation, that would have been a different matter. There are some talukdars who think that the time has now come for tenancy legislation to be introduced into their estates, on the ground that it would be in their own interest. They have come to the conclusion that it is quite possible that the conditions of agriculture might be improved, and that the revenues of their estates might be improved if tenancy legislation was introduced, because, if the tenants had some guarantee that they would have a certain permanency of tenure in the land, they would be very likely to improve it. If, Sir, the honourable member who has moved this bill had proposed some sort of tenancy legislation, it would have been quite a different matter. But the bill as it stands seems to me to be entirely opposed to all reason.

The THAKOR OF KERWADA (Northern Division) : Sir, I rise to oppose the bill moved by my honourable friend Mr. Swaminarayan. I must say that the honourable mover pretends that he has brought forward this bill for the benefit of the talukdars, and he is supported in a similar tone by my honourable friend Mr. Mukadam. But I must really say that they are not only ignorant of the existing conditions but they are ignorant of the law relating to talukdari estates. I can openly say that my honourable friend Mr. Swaminarayan is lacking in moral courage, and goes beating about the bush instead of coming forward boldly and saying " We do not want any privileged class to

[The Thakor of Kerwada]

exist in Gujarat ; we want communistic principles to be enforced in this country." If he had said that, I would have admired him.

Mr. W. S. MUKADAM : And joined him also ?

The THAKOR OF KERWADA : Certainly not. Sir, the question has been raised why this privileged class should exist. Of course many of the points have been cleared by the Honourable Sir Ghulam Hussain. These privileged classes should exist because of the famous proclamation of Queen Victoria that the existing rights would be preserved and that all would be treated alike without distinction of caste, creed or colour. Secondly, the history of talukdars is so well known that I need hardly repeat it here. I will just read a passage from the speech, at the time of the introduction of the Gujarat Talukdars' Bill, by Mr. Barrow, then Commissioner, N. D. He says that these talukdars belonged to the Rajput dynasty that came and conquered that part of Gujarat. He says in the debate on that legislation in 1913 :

" The Gujarat talukdars proper are the descendants and representatives of those who, before our assumption of the Government of the Province, were the virtual rulers of their lands. As a sequence or perhaps as a consequence of our rule—for it was I think admitted that so far at least as the Ahmedabad talukdars were concerned they were at first, through misconception, treated in a somewhat summary and injurious way—the talukdars as a body fell away from their high estate and deteriorated so largely that Government were at last obliged to interfere in order to save them from total extinction."

That is the history of the talukdars. Regarding the history of legislation with regard to the talukdars, the first Act was passed in the year 1862 for the amelioration of the talukdars and there was another legislation in 1888. What was the aim of that legislation ? The aim of those legislations was to protect the talukdars from the clutches of the money-lenders. The Honourable Sir Ghulam Hussain took a great deal of interest in the talukdars, and he has pointed out that the aim and object of that bill was to save the talukdars from the clutches of the money-lenders and to prevent the passing of their estates into the hands of money-lenders. Section 31 was embodied in that Act solely with a view to save the talukdars from the clutches of the money-lenders and prevent their estates from passing into the hands of the money-lenders. Repeal this section 31 and the whole Act will be useless.

I was very much surprised to hear from the honourable member Mr. Mukadam that there was no other protective legislation, which betrays his ignorance of law. Besides section 3 of the Bhagdari Act, there is the Sind Encumbered Estates Act which gives protection to certain class of lands. If you go to England there is the law of primogeniture which has been in existence from time immemorial, giving protection to the rights of the peers of the realm, and other entailed estates. The honourable member Mr. Swaminarayan wants to make out a case which will bear the analogy of burning the house to roast a pig. Because some talukdars collect high rents this section should be repealed. The honourable member ought to know that that is not the remedy for it. As I said already I have the honour to belong to that much abused class. I myself have no sympathy with the talukdars who are harassing their tenants.

[The Thakor of Kerwada]

If the honourable member will point out any concrete instance where this ill-treatment of the tenants is going on I am prepared to accompany him and try to bring the man to book. My honourable friend has not only brought in a mass of irrelevant matters but he has made a lot of allegations without substantiating any one of them. It is far from my intention to attribute any motive to the honourable member, but I wish to say since the time of his election to this House he has been going round the villages and has confined his activity to attack the talukdars. I do not think that is the only function of an honourable member of this House to go on hammering at the same point. I am informed that since the time he was elected he has been doing this....

The Honourable the PRESIDENT: The honourable member is not quite correct. I have noticed the honourable member (Mr. Swaminarayan) taking a general interest in all the debates. He has not confined himself to this only.

The THAKOR OF KERWADA: The honourable member's statement with regard to the Mehlool talukdari case is incorrect. I challenge him to prove it. The honourable member Mr. Mukadam has asked a question whether it was a fact that some lands had been taken away from the cultivators by the talukdar of Mehlool. On enquiry it was found out by Government that the leases had to be cancelled and the lands given back to the talukdar. I do not think that talukdars are in the habit of cancelling the lease after receiving the *sakar nazarana*. This is not true. Even granting that they do so, the repeal of section 31 is not the remedy for it.

As regards the second part of his amending bill, section 5 of the Gujarat Talukdars' Act gives power to Government to prepare a settlement register, which I may inform the House is even older than the record of rights. It was introduced along with the Gujarat Talukdars' Act. The record of rights is a subsequent enactment.

As regards the point of rack-renting made by the honourable member he quoted one instance of Hirapur or Haripur talukdari. With regard to that he never informed the House the proportion by which the rent was increased. He knows that the assessment in Gujarat is more than Rs. 5 per acre in Khalsa villages. With these remarks, I strongly oppose the bill.

Rao Bahadur R. R. KALE (Satara District): Sir, the question raised by this bill is very important; it is whether talukdari estates should be made completely alienable or not. My submission is that the estates of the inamdars, talukdars and watandars were all originally inalienable. My honourable friend Mr. Mukadam said that the birthright of the talukdar is that he should be completely independent. But I say that the birthright of the talukdar is that there should be a restriction on alienation. That has been the birthright. In fact, it was a concession given in later enactments to these inamdars, talukdars, etc., that they could make alienations for their life or with the sanction of Government. So, we have here to decide an important question. The underlying principle of the maintenance of talukdari, inamdari, and watandar estates is that

[Rao Bahadur R. R. Kale]

the estate is not the property of an individual but the property of the family. The maintenance of this class of estates is conducive to the well being of the State. I would refer my honourable friend to the speech of Mr. N. C. Kelkar, than whom there cannot be a better democrat, at the Inamdars' Conference held at Poona. That speech gives weighty reasons for the existence and the maintenance of this class of estates. No doubt there are certain improvements to be made in their condition but they are quite apart from the principle underlying this bill. I hope honourable members will look at this legislation from the point of view of the particular tenure with which it is concerned. The intention of the honourable mover of the bill may be very good ; he may be actuated by very noble motives ; but he should really try to maintain the unity, the impartibility and the inalienability of these estates, and carry on a propaganda for the improvement of the condition both of the talukdars and of the tenants. That is the proper way to proceed if he has at heart the good of the country and the good of the talukdari and inamdari class. I will therefore ask him, in view of the discussion we have had, whether he cannot see his way to withdraw this bill.

Mr. V. A. SURVE (Ratnagiri District): (Addressed the House in Marathi) : Sir, I am neither a talukdar nor a ryot of a talukdar. I am a Maratha agriculturist from the Ratnagiri district and I believe I can put forth my views with impartiality on the subject. The word 'talukdar' connotes a ruler and many of the talukdars are the descendants of the former ancient ruling kings. It may be noted that these ruling kings owed no allegiance to anybody, were free to enter into negotiations with foreign powers, and had only to pay a fixed sum to the government of the Gaekwad or the Peshwa. Unfortunately under the British Government they have been reduced to the position of mere landlords ; but they are full masters of the soil and have to pay the British Government a fixed amount every year. They are the relics of our ancient *swarajya* and when we are asking for *swarajya* it is not fair that we should do away with the gentlemen who represent the ancient *swarajya*. Inamdars jahagirdars and watandars are anxious that their property should not go out of their family and with that view Government have enacted laws prohibiting alienation of watan property. Such legislation is absolutely necessary in the interests of the talukdars and of the State. The only persons who would be benefited by the bill, if it is passed, would be the money-lenders. Even at present a talukdar can, with the consent of the talukdari settlement officer, raise money on his estate. What is the object of removing the check of the talukdari officer ? To me it appears that when there is the check of the talukdari officer no undue advantage can be taken of the position of the talukdar, but if this check be removed the money-lenders would surely take undue advantage of the position of the talukdar. Sir, a restriction on the power of the talukdars to alienate their property appears to me to be essential to keep up their dignity, position and rank. It is in the interests of all concerned that these ancient talukdars should be maintained. I therefore oppose the bill.

Mr. H. J. AMIN (Broach District): Sir, my honourable friend Mr. Swaminarayan stated, when moving the first reading of the bill that his object was to protect the tenants of the talukdars. He said that the talukdars take occupancy price from the tenants, but afterwards say that they are not permanent tenants but tenants-at-will. If talukdars take occupancy price, it means that they give the land on permanent tenure to the tenants, and the tenants should have the right to alienate, sell or bequeath their right to anybody else. But I am sorry to find that the deletion of section 31 of the Gujarat Talukdars Act which he proposes will not secure this object. Therefore, if he wants to protect the tenants he should bring in another bill. This bill will protect neither the tenants nor the talukdars. Therefore, I would request my honourable friend Mr. Swaminarayan to withdraw this bill and bring in another bill which will protect the tenants whose interests he has at heart.

Mr. J. B. DESAI (Gujarat Sardars and Inamdars): Sir, I rise to oppose the bill. I would like to give a brief history of this bill. Some agitation was created by the money-lenders in Ahmedabad district who tried to instigate the tenants against the talukdars. Not succeeding in this they approached directly or indirectly the honourable member from Ahmedabad district and asked him to do something in the matter. So, the present bill is brought forward to deprive the talukdars of this protection so that ultimately moneylenders may be masters of the land. If we examine the condition of the ryots in the talukdari villages and the condition of the ryots in the neighbourhood we will find that they are worse off than their neighbours.

Mr. W. S. MUKADAM: Question.

Mr. J. B. DESAI: I would quote a few lines from the report of Mr. Tupper. It says:

"There have been many examples of late of the alacrity of bania creditors to seize every possible opportunity of establishing that a right vests in the tenant which can be transferred to themselves."

Not succeeding in this they have brought forward this bill and I want the House before they accept it to see the motive underlying it.

My honourable friend has stated that Government will support the privileged classes because they are the real supporters of Government. I may state that Government always like to maintain the traditions and nobility of old houses. The honourable member spoke about rack-renting in the talukdari estates. I find that in the Khalsa villages the landlords are taking three to four times the rent paid in Talukdari Villages. It is also said that the "Sakar Nazarana" is as much as the occupancy price of the land but the honourable member is clearly exaggerating, for Nazarana is merely nominal often amounting to nothing. He further says that the talukdars have been cheating the poor ignorant ryots under the protection of this section but my honourable friend must know that this Act was brought into force in 1888, that is, nearly forty years back, and I fail to see how people can be still ignorant of the operation of this Act.

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My honourable friend from Panch Mahals spoke at length about his sympathy and fatherly care of the talukdars but may I remind the House of one instance in the last session of the council, when the honourable member evinced his fatherly care by skilfully manœuvring to get his amendment to the District Local Boards Act passed.

I again warn the House to beware of such friends of talukdars as the honourable member from Panch Mahals.

Sir, I vehemently oppose this bill.

Mr. F. G. H. ANDERSON : Mr. President, there is no member in this House, I venture to think, who has the interests of the tenants more at heart than myself. I yield to none in that respect, not even to my honourable friend from Ahmedabad. If this were a question of supporting the rights of tenants, I should be the first person to do so and I should be at his side ; I hope it will not be far distant when Government will introduce a bill on this subject ; when I certainly hope it will be my privilege to take some part therein. But, Mr. President, this is not the sort of bill which will achieve anything in the interests of the tenants about whom we hear so much. Had the honourable member taken the trouble to consult those who know or had he studied the subject himself he would not now have come forward with this bill. He had treated us to a great deal of declamation, a great deal of what in America would be called "sob-stuff" which is entirely irrelevant.

He has two objects : first, he wants to remove section 31. Let us consider what this section does and why. It is very similar to the restricted tenure which is imposed frequently on even khalsa land. It is just like the restrictions placed on certain inam estates. I believe there is hardly a Rajah even in the major States who is allowed to mortgage or give away his Raj. Now this prohibition of alienation of the talukdari estates does not extend to leases. I wondered very much while I was listening to the honourable member whether by any chance he was under the delusion that a lease was one of the alienations. Afterwards he explained that it was not what he meant. I could not understand what he means, and I do not believe anybody else would have understood him. The object of section 31 is not merely to protect the talukdar ; it has also another reason. The section has a very respectable ancestry, as ancient as that of the talukdars themselves. It goes back to the English statute of 1290 which is called the Statute of Quia Emptores. These two Latin words (all acts were then named by their first two words) correspond to a preamble as we should now put it "Whereas the purchasers of alienated estates sometimes do so and so." It was in feudal times and a feudal subject was bound to follow his lord to battle with horse and arms. Well, if his estates were alienated to 20 or 30 small people, a position would soon arise in which he could not fulfil his feudal obligations. That was the origin of the English Statute. And this is very largely also the origin of section 31. It was to prevent talukdars from alienating their estates or giving them away that the section was put in. If a talukdar alienates his estate or gives it away to his relations,



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very shortly there will arise a situation in which he would no longer be able to discharge his obligations to the State. Not only would he have no means to pay *Jama*, but he would cease to be an important landlord of local aristocratic influence and dignity. Well, that was the object of section 31. Section 31 does not give the talukdar *carte blanche* to lease his land to speculators and so to grind the tenantry in the way we were told. The effect of this section 31 is this : that if Government choose to withhold their sanction, alienation is illegal. But if Government do not interfere—there is no obligation to do so—then the legal effect of it is that the land so alienated ceases to be part of the talukdari estate. I may say that in recent times Government have in the case of smaller talukdars frequently ceased to interfere. If the talukdari estate has become so small by the incessant process of sub-division the talukdar is only a small holder, it is no use interfering.

Yet, if the honourable mover of this bill wanted to omit this section, then why should he have attacked Government for having in some cases not interfered, and for not having used it ?

Now, the next sections which he proposes for deletion are the section about city survey and record of rights. I am very sorry, indeed, to find that he has fallen into some bad errors, so bad that they entirely vitiate the bill. Of course, it might be possible to make it the subject of amendment but it would have to be practically a new bill. Now, he wants to omit the words and figures “ sections 127 to 136, both inclusive.” I am afraid he must have got a very old edition of the Gujarat Talukdars' Act, because those words disappeared fourteen years ago, in 1913. What he really means to say is that we should delete from the Talukdars Act the exemption from sections 127 to 136, Land Revenue Code : and I suppose he really means to include 136. Why, I do not know. If he looks at section 136, he will find that it is the same as section 24 of the existing Gujarat Talukdars' Act, and, therefore, its application is quite unnecessary. In putting down “ 136,” he has not looked into the subject, has not even read the section, and in putting down wrong sections, he does not know what he is referring to. The record of rights is contained not in section 135 ; it is contained in sections 135A to 135L. Even if the honourable member's bill were passed unanimously to-day, these sections would still remain and they would still be applicable as always. It is merely a question whether Government chooses to apply them. I will come to that in a moment. But really, all that he does want is to delete (from these exemptions) section 126, and then four other sections, 130, 131, 132 and 133. These are the five sections which are really wanted by him. These will make it possible for Government to make or apply city survey in talukdari villages. There are two points. First of all, as to the city survey. Why should Government not be expected to apply city survey at once to the talukdari villages ? The answer is that except in a few cases where municipalities are established as a general rule Government has not applied city survey even to its own village sites.

Mr. J. C. SWAMINARAYAN : Government do not object to the ownership of the tenant in Khalsa villages, but the talukdar objects.

Mr. F. G. H. ANDERSON : Government have not surveyed the talukdari villages. Why not ? Because when one plot of land belongs to one person and the next plot of land belongs to another person, it is of the utmost importance that the land should be surveyed. But when the plots belong to one and the same party, then the distinction between them is of far less importance. Now, if the matter was brought to trial, it would be found that in the great majority of talukdari villages practically the whole of the land does vest in the talukdar. Therefore, a survey of all those plots would do very little good to anybody. There are hardly any municipalities or any other public bodies in which rights are vested in the talukdari villages.

Now, turning to individual sites, it is true some of these houses have been inhabited and held by their present occupants from times immemorial, as we have been told. If we made a survey and enquiry, in the case of some of these sites we might possibly find that what they claim is established : we could confirm their right to go on occupying. Not much good will be done to them. But in other cases, unfortunately, they will risk being disabused of their belief and either litigation will be started or the rights they supposed they possessed will be seriously upset and taken away. Personally, I do not mind whether the introduction of the record of rights or enquiry leads to some such litigation, because my view is that the litigation would make matters clear for the future. Latent claims would be ventilated, sifted and set at rest. But I very much doubt indeed whether any good will be done to the talukdari villagers to have their sites surveyed. The benefit would be almost imponderable.

Now, though this bill does not, as the honourable mover seems to have thought, actually contain a request for the application of the record of rights to talukdari villages, we have been treated to a vehement attack on Government that they have not introduced the record of rights in those villages. But the record of rights has been introduced so far as it could, so far as the rights existed, because we have certain Settlement Registers in which all rights of property owners have been recorded. All those rights are recorded. The only rights which are not recorded there are the rights which may have been purchased by the tenants : and the rights of tenants-at-will, which amount to no rights at all. There, again, if we introduce this record of rights, we should probably plunge them into litigation, and the great majority, 95 per cent., of the tenants would be found to have no rights at all. Lapse of time does not turn a tenant-at-will into an occupancy tenant with fixed rights. The matter is regulated by section 83 of the Land Revenue Code already, and the point I want the House to see is this—the more you put a tenant-at-will down in the record as a tenant-at-will, the more he becomes a tenant-at-will. You cannot give him more rights in that way. It is like the worm and the caterpillar. The caterpillar has a glorious destiny, it knows that it will

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some day become a butterfly. But no lapse of time will make a worm into a butterfly. The longer you keep it, the more it is a worm. The tenant-at-will will remain a tenant-at-will for all time.

Now, the honourable mover's argument is rather abstruse. He says section 31 bolsters up and spoon-feeds talukdars, and so, deprives them of the power of standing up for themselves and managing their estates properly. He wants to abolish it. In that way he suggests that the talukdar will become stronger, healthier, more self-reliant, and, finally, will attain to that *Nirvana* or *Swarga* in which he would actually "live within his income" (laughter). Now, if you read the statement of objects and reasons, you will see that his intention appears to be friendly to the talukdar, to help him. We have a pen of goats behind a barbed wire fence : and all around outside there are wolves and tigers prowling. The honourable mover comes up and says that this is wrong ; it is a bad form of restraint. " It is not morally right that they should be subjected to these restraints ; let us strike off these restraints ; these shackles of a Satanic Government (as the honourable member from Panch Mahals would put it) let us break down this barbed wire." I hope that that argument will be brought out next time when he speaks on Prohibition. I said only recently in this House that I strongly was of opinion that it was not possible to make a whole people moral and self-reliant by legislation. They must stand on their own legs. Therefore, I should like the honourable mover of this bill to come forward on that occasion with a proposal that instead of the shackles of prohibition we should have freedom and self-reliance : and we should place barrels of " Daru " of the best Legislative Council Brand free in every grocer's store for our citizens to learn self-reliance. That is the only logical deduction from his proposition that we should teach the talukdars to live within their means and make them learn prudence, through the removal of these restraints.

But, if he really does want to abolish the restraints, why does he blame Government sometimes for not using section 31 of the Act ? It seems very illogical. Of course, he may attack Government, he will do them very little damage with all his vituperation, Government is a pachydermatous monster, a sort of Mark IX Tank, armour-proof against the slings and arrows of the honourable professor. But I should like to know why he attacks the poor Registration Department, an innocent, toothless, clawless and defenceless creature. I thank the honourable member from Poona Mr. Chandrachud for having so zealously defended my department and I quite agree with him that it is quite impossible for the Registration Department to assume responsibility, and to scrutinize the documents that are presented to them for registration to test their legal validity. I think I have said that all this tirade about the talukdars leasing their lands on extortionate terms is almost entirely irrelevant to section 31, which has nothing to do with it. As the Americans would say, it " gets me beat " to know whether the honourable member wishes to benefit the talukdars or whether he wishes to benefit the tenants. On an occasion like this, if my friend the Thakor of Amod had been here—

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I see that talukdari interests are well represented by the honourable member the Thakor of Kerwada in this House—I should have been most interested to note his reaction to this offer of assistance. I fancy it would have been the same as the reaction of the Trojans when they were offered the wooden horse by the Greeks. As Virgil puts it. “Timeo Danaos et dona ferentes.” In English, it means “I strongly mistrust the Greeks even when they offer us gifts.” I think that is the way the talukdars feel towards this bill. As regards the offer to repeal section 31, they will probably say “Timeo Danaos.” We see the honourable member from Ahmedabad tearing down this barbed wire fence which protects the talukdari goats within its enclosure ; we see him releasing them from their confinement ; we see him striking off these obsolete shackles ; we see him letting them out of their safe shelter and driving them out into the open to enjoy the fresh air ; if they shrink from the dangers to which they may be exposed, he tells them they will soon grow claws and teeth and he will teach them to roar like any tiger. It is a pretty picture : we will leave them, the Rajput Kshatriyas, the Girassias of old, learning ferocity and self-reliance from the honourable professor of mathematics.

But, Mr. President, it is not the talukdars alone that are to be affected by this bill. What about their tenants ? There can be no conceivable bond of union between two such opposing interests. My honourable friend Mr. Swaminarayan tells us (and I am sure he will be supported by another honourable member Mr. Narayandas Bechar) that he is now defending the interests of the tenants against the talukdars. Does he then speak with two voices, first for the talukdars and then for the tenants ? We have seen him with his arm round the neck of the talukdari she-goat, which he plies with “rich food of sweetmeats” which he told us is their usual food, and teaches it to roar ; but is his other arm round the irreconcilable and implacable enemy of the she-goat, round the tiger-tenant and is he in turn promising them, if they are good, he will soon give them nice pieces of talukdari goat to devour ? I do not want to accuse him of double dealing but I think he is possibly walking along that very dangerous road of trying to reconcile opposing interests and win the votes of both sides ; that road will lead him over the cliffs like “Little Johnny-Head-in-the-Air” we read of in the story book. I warn him not to march forward with his eyes only on the stars and the far horizon. Be more prosaic and careful and look where your feet are going. The honourable mover will realize that his bill is entirely impractical. We must first give the tenants rights and then, by all means we can accept his proposals and record them. I was glad to hear my honourable friend, the Thakor of Kerwada, say, that he himself would support, and that all the better class of talukdars would support, the idea of giving due rights and proper protection to their tenants such as is given in all “other” civilised countries. I am using the phrase which was so optimistically coined by my honourable friend Mr. Ginwalla the other day. I fail to see how a repeal of section 31 will provide any remedy or what is the good of recording rights before they exist. I ask the House, anxious as we are

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to proceed with more important business, to reject this bill without any further discussion, and not to waste any more time over it.

Mr. N. R. GUNJAL (Poona District) : (Addressed the House in Marathi.) I do not think that it is quite proper on the part of my honourable friend Mr. Swaminarayan to bring forward a bill of this kind at this time. The properties now held by the talukdars, inamdars, saranjamdars and jahagirdars were given to their ancestors in olden times for some excellent services done by them for the State by the rulers of those times. I do not see why we should single these talukdars out for any kind of special treatment and why we should separate them from the tenants. My honourable friend Mr. Swaminarayan seems to think that because these talukdars, inamdars, jahagirdars and saranjamdars do not come forward to help popular causes, therefore a bill of this kind is necessary. I think he is wrong in this idea of his.

Sir, I have some experience of the jahagirdars, the saranjamdars and the inamdars. My honourable friend Mr. Swaminarayan should remember that only the other day the Sardars and Inamdars' Conference was held in Poona city. There were some talukdars also present on the occasion. Whatever may have been the defects of the old generation of inamdars, the new generation among these people is striving for unity among themselves. If we look to their present circumstances, to bring in such a bill in this Council and take away their privileges is not right for an educated member like my honourable friend Mr. Swaminarayan. There may be defects among these people, but we can make an attempt to remove them without legislation. There are ryots' associations almost in every place now, and if there is anything which the ryots consider as a grievance against the talukdars, the representatives of the ryots and the talukdars can meet together and try to settle their differences. To bring in such a bill in the Council in order to deprive them of their rights, and thereby incur their displeasure does not appear to me to be right in the present circumstances. Although the position of the jahagirdars, saranjamdars, inamdars and talukdars is different from that of the ordinary people, the new generation among them is trying to help the public cause to the best of its ability. Taking into consideration all these matters, I think it is necessary that this bill should be opposed. I would appeal to my honourable friend that the time has not yet come to bring in such a bill into the Council and deprive these people of their rights, and I trust he will accept my suggestion that he should withdraw the bill. But, as a representative of the Vatandars and also of the rural constituency, I must oppose the bill.

Mr. S. K. Bole rose.

Sardar G. N. Mujumdar rose.

The Honourable the PRESIDENT : I think the discussion has gone on long enough.

Mr. S. K. BOLE : I want to support the bill, Sir.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Sir, I will not take more than five minutes. I rise to oppose the first reading of Bill No. XXIII of 1927 very strongly. I do not see the necessity of bringing in this amending bill now. The Gujarat Talukdars Act was amended so many times since 1888, but none thought it advisable to bring in such an amendment up till now. The Gujarat Talukdars Act was passed with a view to protect the rights of the tenants as also of the talukdars. Not only the rights of the talukdars are protected, but the rights of the tenants in the talukdari villages have also been protected, and this will be seen from section 5 of the said Act. The talukdari estates are similarly placed with the saranjam and watan properties. Saranjam property cannot be sold away, and no liability can be raised upon it beyond the life time of the saranjamdar. Similarly, watan property cannot be sold away beyond the life time of the watandar. Supposing, tomorrow, the honourable member Mr. Swaminarayan or any other member of this honourable House brings in a bill, similar to this, to amend Act No. XI of 1852 or Acts Nos. II and VII of 1863, then would it be in the interest of Government also to allow that measure to be brought into this House? Sir, Acts II and VII of 1863 have played a great havoc by the imposition of judi and nazarana, and many of the alienated properties have been made enfranchised private and alienable properties and this situation is really responsible for the alienation of almost all the inam properties into outside families on this side of the Presidency. Now, the inamdars from all parts are very anxious to get a law passed in this honourable House for making these inam properties inalienable, and shortly I wish to introduce such a measure in this honourable House. Sir, when such is the condition of the minds of the inamdars in the Presidency and when they do not want their inams and properties, which have been held in their own families from times immemorial, to pass away into other families, it is but natural that I should oppose the present measure. Already there is such a restriction in the Gujarat Talukdars Act that the talukdari estates will not be liable to any encumbrances beyond the death of the talukdar. I do not see any reason why that restriction should be taken away now. It is the duty of Government to protect the rights and interests of the talukdars, sardars and inamdars, who have really played their great part in building up the history of the country. They have served the Government most loyally whenever occasions arose.

Mr. N. A. BECHAR: On a point of order, I want to know whether this old and ancient history is relevant to the discussion. One small clause is proposed to be amended, and we have heard the same arguments so often.

Sardar G. N. MUJUMDAR: It is but in the interest of the State and the public that such a restriction should be there in the Act. We have already been told by my honourable friends, Mr. Gunjal and others, that there was a conference held in Poona on the 23rd and 24th of September last of the sardars and inamdars of the Presidency. It was the second session of the Sardars and Inamdars Provincial Conference, and there was a resolution passed supporting the inalienability of such estates. Particularly, this bill which has been brought forward by my honourable friend

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Mr. Swaminarayan was taken into consideration and it was unanimously resolved that the bill should be opposed. This speaks for the opinion of the general inamdar public.

I think that the honourable member Mr. Swaminarayan would do well to look to the welfare of the tenants or occupants of Government *khalsa* lands than to turn his attention to the tenants of inam villages. You know that a restricted tenure has been introduced by Government lately. If he feels aggrieved at this, he should certainly take steps to remove that restriction which has been introduced in Government villages and then turn his attention to the tenants in inam villages.

The second clause deals with village sites. The open sites in villages are the properties of talukdars and the same is the case in inam villages. He wants to take away that right from the talukdars at any rate in this bill. I do not think that he is right in doing that. As has already been pointed out by the honourable member the Settlement Commissioner, there is a mistake in the clause itself. With these words I oppose the first reading of this bill.

Rao Saheb D. R. PATIL : I move a closure.

The Honourable the PRESIDENT : I accept the closure.

Mr. J. C. SWAMINARAYAN : Sir, the Honourable the Minister for Local Self-Government quoted some figures which support my contention. In the statement of objects and reasons I have stated :

“ Even Government are tired of managing indebted estates and are leasing them or allowing them to be leased to private individuals who ruthlessly exploit the cultivators with a view to wring maximum profit out of the bargain ”

During the last three or four years Government have changed their policy and they do not want to pay any attention to the indebted talukdari estates. Formerly they took them under their management and, when the estates came out of debts, handed them over to the talukdars.

The Honourable Sir GHULAM HUSSAIN : Will the honourable member quote his authority ?

Mr. J. C. SWAMINARAYAN : The number of estates under the management of Government has been reduced from 110 to 38, that is to say, Government allow these estates to be leased.

An argument was advanced that I was working in the interest of moneylenders. If this section is repealed cultivators will be able to make common cause and buy one or two or more fields on a co-operative basis. I do not think that moneylenders will come in the place of talukdars as a result of this bill.

The honourable member Mr. Chandrachud quoted the economic doctrine of supply and demand. That doctrine cannot always be applied. He referred to the case of the Bombay landlords. Government thought it necessary to protect the tenants and they passed the Rent Act. At least this fact has been brought forward in the discussion that Government themselves are thinking of bringing in a tenancy legislation. I will welcome such legislation whenever it is brought by Government.

[Mr. J. C. Swaminarayan]

Then, Sir, it is very necessary that this restriction should be removed ; and Government also are moving in such a way as if there were no restrictions. They grant permission whenever it is asked for. For all practical purposes the section is a dead-letter. I say that a section which is a dead-letter should be repealed. I move the first reading of the bill.

The Honourable Mr. J. L. RIEU : Sir, the arguments brought forward by the honourable mover in support of his bill have been exposed to such a concentrated and destructive fire of criticism that there is very little left for me to reply to. Referring to his concluding speech I should like to assure the House that so far as the policy of Government in regard to the relief of the estates from indebtedness, that is to say, taking them under management, is concerned there has been no change whatever. Government are just as solicitous of the interests of the talukdars in the present as they have always been in the past. An argument which the honourable mover has just adduced is that supposing the bill were carried and section 31 were removed there would be a chance of the present talukdari tenants purchasing the estate lands and becoming peasant proprietors. I am afraid that is a purely optimistic view of the case for which there is very little foundation. It is extremely unlikely that land would pass into the hands of the tenants. What the result would actually be has been foretold by several speakers—the land would pass into the hands of the moneylenders and the state of the tenants would be worse than it is at present. As so much has been said about this section 31, I think it might interest the House to hear what was actually stated at the time when this particular piece of legislation was first under discussion. They will be able to judge then of the reasons that justified it at the time. I have before me the speech of the Honourable Mr. Peile, afterwards Sir James Peile, in moving the first reading of Bill No. 6 of 1885, which eventually became the Gujarat Talukdars' Act. I may inform the House that there was a great deal of opposition at the time to the introduction of this legislation from the talukdars themselves. The Honourable Mr. Peile was at pains to show that the opposition was not well-founded : He said :

“ Here I observe that the object of Government and that of the objectors, so far as they have found expression are identical. Both desire to maintain the position of the talukdars as landed proprietors. We say that if that position is to be maintained, some restriction must be placed on the present holders of the estates to keep them from self-destruction and the impoverishment of their successors. We have no intention whatever to appropriate any part of their proprietary rights, or to transfer them to any third party. What we propose is to restrict the holder for the time being from transferring the proprietary rights to third parties for his sole and selfish benefit and with no regard for his heirs. Anything that a prudent landholder may desire to do with landed property, we propose to permit the talukdars to do. What we propose to prevent is the reckless improvidence which would leave the heir of a long line of ancestors nothing to transmit to posterity. The measures of Government in 1862 were not taken for the benefit of one generation of talukdars but for the class. But the memorialists dislike any restriction, as sick people dislike medicine, and insane people restraint.”

I want the honourable member for Panch Mahals to note this :

“ They say that we propose to sweep away the most ancient and highly-prized hereditary rights, and to impose stringent restrictions on their enjoyment of what is their own.



[Mr. J. L. Rieu]

Now here the strongest argument against the memorialists is suggested by their own memorial. They insist on the regal character of their possessions, and that they belong to the noblest Rajput houses in the peninsula of Kathiawar. That their race and customs are akin to those of the Rajputs of Kathiawar is true, and what does this involve? In Kathiawar the dissipation of ancestral estate is repugnant to immemorial custom and local sentiment. For a landholder to part with his *grasa* or inherited lands to strangers is discreditable, is viewed by his fellows with the strongest disapproval, and in the case of Chiefs is forbidden by Government. The objection to the bill, therefore, as an attack on hereditary privileges must, if we view those privileges as embracing more than the selfish exercise by the talukdar for the time of an unrestricted right of transfer, fall to the ground. The memorial seems indeed to admit the advantage of some measure of restriction, and I have reason to believe that in fact they are not opposed to limitation of the power of transfer."

Then, after reviewing other Acts in which similar restrictions had been imposed, he concludes :

"In all these cases the exceptional circumstances are the same, namely, the impoverishment of some class of old landed proprietors. It is a class which finds it hard to adjust itself to the incidents of British rule, and which is apt to fall into decay and ruin under our laws. The Government has held that it is to the public interest to avert the effacement of a middle class of landholders—a class which in British India, and especially in Bombay, is already confined within very narrow limits."

Then, later on, when a bill for the further amendment of the Gujarat Talukdars Act was under discussion, the Honourable Sir James Monteath, who was then Revenue Member, made a speech introducing the bill, and he referred to this provision, section 31, in the following terms :

"Under the existing law talukdars are virtually restricted to a life interest in the estates, no alienation being valid unless Government sanctions it and no encumbrance being valid beyond the life-time of the talukdar who makes it unless the talukdari settlement officer has consented to it. These provisions have been found most beneficial and, even in the past disastrous seasons, have served to maintain the status of families of ancient descent who otherwise would have lost all real interest in their ancestral estates."

Well, I ask the House to come to the conclusion that the reasons which were then adduced in favour of this restriction on the right of alienation still hold good. The honourable mover has made a reference to a change of policy on the part of Government in the actual application of the authority conferred on them under section 31. It is not correct, as he stated, that Mr. Gordon ever suggested the repeal of this section. On the contrary, he was strongly in favour of the retention of that section. But he did consider, and Government, after careful consideration of the matter, agreed with him, that it was desirable to introduce some modification in the extent to which the powers of Government under this section were resorted to. The present policy of Government as recently enunciated is as follows :—

"Government are of opinion that the policy of special protection of talukdars which is embodied in the Gujarat Talukdars' Act must in future be applied with much more discrimination and elasticity than has been customary in the past. So far as the larger estates of the more important talukdars are concerned, more especially those held under the system of primogeniture, Government desire that the provisions of section 31 of the Gujarat Talukdars' Act should be strictly observed and that sanctions to incumbrances should be granted only after the sanctioning officer is satisfied that they are necessary in the interests of the estates. But the inpublic terest does not require that estates which are insignificant in size or which are hopelessly embarrassed or sub-divided should be permanently propped up by the special protection of section 31. In the case of such estates the Governor in Council will readily accord his sanction to alienations under section 31 (2), in the hope that the land may pass into the hands of more capable proprietors. A similar policy should be followed by the talukdari settlement officer in dealing with encumbrances under section 31 (1). . . . ."

[Mr. J. L. Rieu]

The policy of Government in fact is, that while they are no longer anxious to prop up artificially estates and talukdars whose survival is not in the public interest—estates which are so small or have declined in prosperity to such an extent as to make them not worth while preserving—they are desirous of supporting and encouraging the more prosperous and solvent talukdars who are landlords and estate owners and who are building up and developing their estates.

I have nothing more to add except that I am confident that the House will reject this bill, which is a most ill-conceived measure and supported by no logic or reason.

Question put and lost.

The Honourable the PRESIDENT : Before we adjourn for tea, there is a matter I wish to bring to the notice of the honourable House. There is a letter in my hand, signed by several honourable Muhammadan members of the House, requesting that, in view of the fact that the Muhammadan Educational Conference is to be held on Saturday (that is, to-morrow) at 11-30, instead of meeting to-morrow—as we have been doing for the last few Saturdays—from 10-30 we should meet at 1-30. Of course it is for the House to come to a general consensus of opinion on that point. But I may point out one thing, and it is this that if we meet at 10-30 and sit till 2 that gives us 3½ working hours. . . . .

Mr. H. B. SHIVDASANI : Sir, yesterday we decided that we should meet at 10 to-morrow.

The Honourable the PRESIDENT : If we meet at 10 and sit till 2, that would give us 4 hours. If we sit from 2 to 7, that would give us 5 hours, a gain of one hour. That I think would suit the honourable House in the present condition of private business. There is also another fact, and that is the Honourable the Home Member has been requested by the Conference authorities to open the Conference, and if the House sits at 10 to-morrow, it would be certainly very difficult for him to give that honour to the Educational Conference of the Muslims. Then this letter also mentions that several members of the House have been invited to the Conference and they are willing to go. Now, I would like to know the views of the Honourable the Leader of the House and the consensus of opinion.

The Honourable Sir CHUNILAL MEHTA : Sir, on behalf of Government benches I may say that we have great pleasure in accepting the suggestion made by the Muslim members as regards the sitting of the Council to-morrow afternoon instead of to-morrow morning. We have no objection to sitting to-morrow at half past one if honourable members will also agree to sitting on Monday and Tuesday at half past one instead of from 1 to 7 p.m. There will be no deduction in the time available for private business.

There is one further suggestion that if we sit at half past one we might adjourn for tea at four so that the time will be equally divided. I hope the Muslim Educational Conference will be a success with the attendance of all honourable members.

The Honourable the PRESIDENT : I take it that that arrangement is agreeable to honourable members. To-morrow we sit at half past one instead of in the morning.

*(After recess)*

**BILL No. XXIV OF 1927 (A BILL FURTHER TO AMEND THE  
BOMBAY LOCAL BOARDS ACT, 1923)**

*(Motion for first reading)*

Mr. L. M. DESHPANDE (Satara District) : Sir, I do not wish to make any motion at present.

**BILL No. XXV OF 1927 (A BILL FURTHER TO AMEND THE  
CITY OF BOMBAY MUNICIPAL ACT, 1888)**

*Motion for first reading*

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I beg leave of the House to move the first reading of Bill No. XXV\* of 1927, a bill further to amend the City of Bombay Municipal Act, 1888.

First reading.

If we look to the statement of objects and reasons given with the bill, it will be quite clear that the first object of the bill is to stop multiple voting, and the next object is to reduce the franchise from Rs. 10 to Rs. 5. As regards the first object, I have to state, Sir, that if one looks at the present voting lists of the Bombay City Municipality, one will find that the same name sometimes occurs not once, twice, thrice, but even ten times and twenty times. And this can be proved if honourable members would look into the voting lists of the Bombay City. The reason why this multiple voting is found is this. A person has a residence at one place and business premises at another place. The man has got a vote for his residence in one ward and he has got a vote for his business place in another ward. Not only this, but a person has more than one vote in even one ward, that is, he is not only an owner of a property and has a vote for it but he is also a trustee of other properties, and then he himself may have an office in partnership with other gentlemen. This means one man can have, as I have stated, not only more than two votes, but even ten and twenty votes as a trustee and a partner, and what not. This has been proved in court in a suit by a candidate who had failed in the municipal elections of 1926 in A ward. The case was against the candidates who were elected in A ward, out of whom one honourable member is at present a member of this honourable House. I mean my honourable friend Mr. Marzban, and I am quite sure he will bear me out that in the appeal that was made against the elections of those twelve gentlemen it was shown that a candidate himself had voted more than twenty times. But as those names appeared in the roll, they could not be taken out either by the Municipal Commissioner or by the High Court Judge or the Small Causes Court Judge. From this as well as in the cases of other wards, and I believe another friend, the honourable member Dr. Gilder, will bear me out that the name of one voter had

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appeared for more than two or three times. The amendment that I have proposed in my bill is that in section 11, sub-section (2), of the Act, after the words "separately occupied" only the words "as a place of residence" are to be added between the words "occupied" and "of which"; and substitute the word "five" for "ten." As for the other thing, I shall refer to it later on. But as for this amendment about building separately occupied as a place of residence, it is a mere simple thing, and I do not think that the Honourable Minister would object to my adding those words therein. I have brought this amendment for the simple object of doing away with litigation and the appeals in elections in which the candidates themselves have got more than one vote.

Now, as regards the other suggestion of substituting the word "five" instead of "ten", my reason is this. Mr. President, by lowering this franchise from ten to five a forward step will be taken to advance democratising the Municipal Act and giving more rights to some people who know now perfectly well how to use their votes. It was distinctly stated at the time of the budget, if the honourable members will remember well, by the Honourable the Leader of the House, the Honourable the Finance Member, that the voters have used their franchise well and are voting properly and there is no doubt that the voting is done well. So also it is widely known that the awakening is markedly taking place amongst the voters of the City of Bombay, and this can be proved by the voting of the last three or four elections. There were not merely 30 or 50 but even 75 per cent. of the voters who attended the polls and had used their voting right. So there is no question as to whether the franchise should be lowered or not. The franchise of other municipalities has been reduced from three to one rupee. Why should not the City of Bombay be given this privilege of a lower franchise when it is so advanced in every direction? I am not asking for universal franchise, I am only asking for a very moderate measure and I hope I shall not be disappointed.

Another point I would like to lay stress upon is the fact which will be testified to by the Honourable the General Member. After the last budget session Government have reduced the rents of Development chawls. This reduction of rent has taken thousands of people, who enjoyed the right of vote last time, out of the category of eligible voters, and we shall now be faced with the queer position that people who had once enjoyed the right of vote are no longer able to do so. The trade depression in Bombay has brought down the rents of almost all properties—Government as well as private. This makes matters worse as far as the population entitled to vote is concerned. In 1924 the Bombay Municipality appointed a special committee to look into this matter. The Honourable Mr. V. J. Patel, now President, Legislative Assembly, was then the President of the Bombay Municipal Corporation. The question was threshed out in all its bearings. What did the Corporation say then? They said "let this election be held and then we shall see." That election took place long ago and now next election is nearly due. A resolution has already been tabled and will soon come up for discussion in the municipal

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corporation and it will recommend that the franchise be extended not only to people paying five rupees as rent but also to those paying three rupees as rent per month. The proposal ought to meet with the approval of the Honourable the Minister for Local Self-Government as he really wants to democratise the premier municipal corporation in the Presidency. He will earn the blessings of thousands of poor people who are the taxpayers. They pay the taxes, it is out of this money the work of the municipality is going on. At present they have to pay; but enjoy no representation through their own delegates. It is our duty as legislators to supply the deficiency. These people have been demanding this right for the last four years but to no purpose because the present corporation is not really democratic in its composition. It takes no notice of the poor people. Very few people from the masses stand as candidates for election because they know they have no chance of success. At present the property owning classes, capitalists, and big landlords have monopolised all the power and kept it in their hands, and these classes do not wish that the masses should make any advance in the matter of municipal administration. The masses actually pay money for the benefit of the monied classes and yet the masses are not allowed to lift up their heads. Mr. President, it is for the monied classes now to come forward and help the masses; otherwise it will amount to a mere lip sympathy profusely expressed on the platform and in newspapers only. If they want Swaraj or a really democratic government, the capitalist classes must first help the dumb masses to come forward, and the first step in that direction is to extend the franchise for the present to payers of 5 rupees in rent at least. Let the monied classes look upon and treat the masses as their own countrymen, as citizens of one and the same city and country. If our appeal goes unheeded I have to sound a note of warning that our people will have to look in some other direction for help, either to Government or to those whom they are at present neglecting. The masses want this right in the common interest of all the rich as well as the poor and I feel sure that if the right that is now asked for is denied to them, the reaction on the masses will be something to count with. As we are not in the majority in the corporation, we do not succeed in directing their attention to our urgent needs. We do not appear to have any say in the municipal administration. I think it is high time now that both Government as a whole and the Honourable the Minister for Self-Government came to the help of the poor masses without the slightest hesitation of any kind. I have made my case as clear as I could make it and I have shown why the right should be given as is sought to be given by this bill. I have done my duty and it is now for the Honourable the Minister to do his.

With these few words, I resume my seat.

Mr. J. B. PETIT (Bombay Millowners' Association): Sir, I rise to oppose the bill for the simple reason that the honourable mover of it has failed to make out a case in favour of the points which he has urged at such great length. His bill divides itself into two parts—one, as he put it, is to prevent multiple plural voting, but in the course of his remarks

[Mr. J. B. Petit]

he told us that he had found in the course of his experience as a voter that a number of people registered themselves as voters in several wards and thus commanded in some cases as many as twenty votes, which he attributed to the underlying principle of the existing Act, and he contended that therefore the first part of his bill aimed at removing that anomaly. Let us pause for a moment and consider what the effect of the first part of his bill, if accepted by this honourable House, will be. He asks us to place between the words "occupied" and "of which" the words "as a place of residence", the effect of which, if accepted by this honourable House will be automatically to deprive all those who occupy premises or parts of premises for business purposes either for big offices or for factories or for joint stock companies or for similiar purposes, of the right to participate in municipal elections. I would like to ask this honourable House if, when the existing Act was passed, it was the intention of the legislature that offices and big business and similar organisations which also pay rents and pay rents in a very much larger proportion than private individuals, should be deprived of their right to participate in municipal elections and to have a voice in the municipal administration of the city of Bombay. It was very properly thought at that time that such was not the intention and business and such organisations were allowed to act as voters. Such is the state of affairs which has existed up to the present moment under the present Act. Now, the honourable mover of the bill, by one stroke of the pen, seeks to deprive businesses, business organisations, offices and similar other voters of their right to vote and to participate in the municipal elections of the city of Bombay. I wish to ask this House whether that was the intention of the Act, and whether we are prepared to make a departure in that direction at the present moment, at the instance of my honourable friend.

What are the grounds which he has advanced in favour of his move? Only one, and that is, that a number of people voted more than once. I submit, Sir, that if this part of the bill is accepted, the grievance which he has expressed will not be removed. He simply seeks to deprive businesses, business concerns and factories of their right to vote, and individuals, if they have any right—I will take his word for it—at the present moment to vote more than once will continue to exercise that right, even in spite of the amendment that he proposes in the Act which, if carried, will not effect the improvement that he seeks to make. On the contrary, business, business offices and big organisations which pay large amounts of taxes will be deprived of their right to vote. At the present moment, take for instance the example of a big firm like Ralli Bros. Suppose they occupy a big building; they are taken as tenants, and they have the right to vote. If the first part of the bill is carried, they will automatically be deprived of their right to vote, because the honourable mover says that he wants to amend the last but one line of the section. The section, if it is amended as he proposes would read thus :

".....occupied as owner or part owner or tenant or sub-tenant in such ward a building or part of a building separately occupied as a place of residence....."

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That means only when it is occupied as a place of residence will the occupier have the right of voting.

Mr. R. S. ASAVALE : Their servants have got residences, and they can vote

Mr. J. B. PETIT : It comes to this, that a big business concern or a big factory or a big business organisation is to exercise its right of voting through the instrumentality of a servant who happens to be engaged by that organisation, and who pays rent. I submit that that will be absolutely contrary to the spirit of the present Act. That is not the intention. The intention is that all tenants, whether they are businesses, factories or other organisations, in common with other individuals, should have the right of voting ; they are exercising it at the present moment. As far as the contention of my honourable friend is concerned, that some people are having more votes than one, I am inclined to think that there is some mistake in his information. We are all aware of the fact that, under the Act as it stands, a man has got only one vote, but a man may happen to be a trustee, and as a trustee he has the right to vote, and it is quite reasonable to expect a man to vote as a trustee. He may vote as an individual in one capacity, and he may happen to be a trustee of a property ; in that case, it is the property that votes, and if he does not vote, another man will vote for the property. That person happens to vote first in his individual capacity, and then also as a trustee ; as a trustee he is a different entity, and there ought to be no objection to a man voting in two different capacities. Then, possibly, he means that people vote as directors, managers, or secretaries of big concerns, and they also vote as individuals. If I happen to be the secretary of a joint stock company and give my vote, it is the business which gives the vote ; if I do not do so, somebody else will, on behalf of the business. After all, it is a mere accident that one individual sometimes comes and votes in several different capacities. He represents several entities, and each one of them is a voter entitled to a vote as a man who occupied a building or part of a building. I submit that the honourable mover has absolutely failed to make out a case so far as the first part of the bill is concerned, and it ought not to be accepted. If it is accepted, it will mean the disenfranchisement of big companies and commercial firms which pay rents in a much larger proportion than the other residents of Bombay, who exercise their right as voters.

So far as the second part of the bill is concerned, it seeks to reduce the qualification of franchise from Rs. 10 to Rs. 5. It is for this House to consider whether enough experience has been gained of the working of the present body to justify our acceptance of this proposal. Personally, Sir, both as a public citizen and as a member of this House and also as a member of the Corporation, I emphatically declare that the time has not yet come to take a step in the direction indicated by my honourable friend in the second part of the bill, for the simple reason that the representation which at the present moment obtains in the Corporation is such as to cause disappointment to no one. Various interests which were

[Mr. J. B. Petit]

unrepresented before are now being represented, and represented, in my humble opinion, in a much stronger manner than they deserve to be represented. For, after all, it is the person who pays the piper who has got the right to call for the tune, and the ratepayer, the taxpayer, the man who pays the taxes to the municipality, who really shoulders the burden of municipal taxation, has got no direct voice, excepting indirectly as a tenant. A man may happen to have property, but may not live in it himself. He may be a member of a joint family; he may happen to live with his father, and the father may pay the taxes of the house, and the father alone may have the right to vote. But the man who owns property, merely because he does not occupy his property and happens to live as a member of a joint family does not and cannot, under the present Act exercise the right as a voter, although he may pay thousands of rupees in taxes. That is an extreme case, but a typical instance of a man who pays taxes not having the right of voting, but tenants paying only Rs. 10 as rent, under the present Act, have automatically the right of voting and standing as candidates for election, and they are exercising it. Personally, I think that the present Act has given considerable advantages and concessions to the citizens of Bombay. People who pay rents of Rs. 10 and upwards are enfranchised and are exercising their vote, and a good many of them are elected as members of the Corporation. I do not think that any further reduction of this limit is likely to be to the benefit of the city in existing conditions, or to the benefit of the Corporation.

Mr. R. S. ASVALE : Why not ?

Mr. J. B. PETIT : For the simple reason that it does not enable the electorate to send the right and proper kind of man as a higher electorate would have enabled them to do. A direct question has been asked, and I think it my duty to give a direct and emphatic reply to it. Considering all these factors, I think that the time has not yet come for this House to take this important and radical step. Possibly the time may come in course of time, when sufficient experience of the working of the present constitution will have been obtained by the Corporation and by this House to enable it to take another forward step. But till such experience is obtained and till such time arrives, I venture to think that a step of this character is a bit premature.

An Honourable MEMBER : When is the time going to come ?

Mr. J. B. PETIT : Under the circumstances, Mr. President, I strongly oppose this measure as absolutely uncalled for, and hope this House will reject it.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I oppose this bill, and I hope this House will throw it out without much ado. As a man who has contested two municipal elections and one Council election, after the franchise was brought to Rs. 10, I can say from my experience that the time has now come when this House will very seriously consider whether it is not advisable to raise the franchise to Rs. 20. I may inform



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the House that this question was twice brought before the Corporation, and on both the occasions the Corporation decided that the franchise should be Rs. 20, but Government have not seen their way to accept it. The honourable mover specially mentioned my name in regard to a case that was instituted against a number of candidates from A ward, and he said there were instances where a man voted twenty times. I give an emphatic denial to that statement; I was one of the parties in the suit.

Mr. R. S. ASAVALE : Where is the record of the polls ?

Mr. P. J. MARZBAN : I challenge the honourable mover to contradict what I say, because I was a party to the suit. The learned judge of the Small Causes Court held that there were only one or two cases in the Crawford Market. On that score the appeal was dismissed. The honourable member wants to add the words "resident of the building which the owner can occupy." In section 3 of the Municipal Act the owner is defined as follows :—

" ' Owner ' when used in reference to any premises, means the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let, and includes —

- (i) an agent or trustee who receives such rent on account of the owner; and
- (ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious purposes; "

In the same Act I will refer the honourable member to sub-sections 4 and 5 of section 19 of the Municipal Act, where it is distinctly stated :

" (4) In preparing the ward lists the Commissioner shall enter therein the names of the persons who are entitled to be enrolled under the provisions of sub-section (2) of section 11, whether such persons be individuals, companies, firms, undivided families or other associations or bodies of individuals, and shall also enter the names of persons who are entitled as aforesaid as the trustees of any building or land.

(5) If individual members of any company, firm, undivided family or other association or body so entered, or if trustees whose names are so entered, are entitled as aforesaid on their own separate account, the Commissioner shall enter their names in the list separately. "

So, the first part of the amendment of the honourable member Mr. Asavale is inconsistent with the section. I submit, Sir, that it can be easily turned down.

Coming to the second part of the bill, our experience of the working of the democracy has been very bitter indeed. As has been said by the honourable member Mr. Petit, at times we think that the time is very far off when the rent payers paying a rent of Rs. 5 will vote with even a shadow of intelligence. Even in the 10-rupee franchise there are cartloads of voters who cannot distinguish between symbols and symbols. They vote simply, not knowing for whom they are voting. Some mukadam goes, gives them a joy ride or a toddy party, and they give their votes as directed by him. They do not know to read and write. That is the experience of the 10-rupee franchise. Heaven forbid that the franchise is lowered to Rs. 5. Let me emphatically tell you, Sir, that the good name of our local self-government demands that the body elected must be by an electorate which understands what they are about. There are people

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who pay Rs. 5 who cannot write a single line, and do not understand what a municipal corporation is. The honourable member Mr. Asavale personally knows this to his advantage. The lower and lower is the franchise the lesser and lesser will be the calibre of the corporation and lesser and lesser will be the intelligence of that body. We have had enough of this democracy. I trust that this House will summarily throw out the bill.

Mr. B. V. JADHAV (Satara District): Sir, I rise to support the first reading of this bill. I am not at all surprised at the speeches of the two honourable members who have preceded me. I think the same speeches and the same arguments have been heard in this hall over and over again. When the bill for lowering the franchise to Rs. 10 was brought forward the same arguments, word for word, were repeated in this hall and the House by a majority rejected those arguments. I do not think that I need take the time of the House to expose their hollowness.

It is stated that this is a democratic age. But my honourable friend for Bombay, South, has been asking us to go back and raise the franchise to Rs. 20. I do not think that anybody in this House will like to support that proposal. The honourable member would have had the satisfaction of being alone and possessing the boldness to preach reactionary doctrines in this House. The principle of the bill is to eradicate two evils. The first is that of multiple voting. Everybody knows that a person should not exercise more than once his vote. For that purpose the first part of the bill is intended. As regards the second part it is for reducing the franchise from Rs. 10 to Rs. 5. It has become necessary because there has been a considerable falling off in the rents. Trade and commerce is not flourishing and the honourable members from Bombay know that rents have fallen very much everywhere. Those persons who paid Rs. 10 in rent or more are now going to tenements the rental of which is lower. The tenements that fetched Rs. 10 are now let for less than Rs. 10. Persons who have been paying a rental of Rs. 10 as a consequence of reduction in rents will be paying less rents in future and will therefore be deprived of their franchise. The honourable mover of this bill has quoted the instance of the Development chawls. The rent at the time of the last election was ten rupees and over. Now it has been reduced in some cases to 6, 7, 8 and 9. All the residents of these tenements of the Development chawls who formerly enjoyed the franchise will be deprived of it if this amending bill is not passed. This is not a very desirable thing. When the franchise was reduced to Rs. 10 some of the honourable members of this Council predicted that heavens might perhaps fall down and feared that the fair name of the Bombay Corporation will be razed to the dust, if undesirable persons entered the corporation. But these gloomy prognostications have not come true. The ten-rupee franchise has not lowered the prestige of the corporation and I may assure the House that the reduction of the franchise to Rs. 5 will not prove a disaster. As a matter of fact in the south of the Island there are very few tenements which are below Rs. 10. Therefore the increase in the number of voters in the south will not be very large. The honourable member from Bombay,

[Mr. B. V. Jadhav]

North, and others may not take any fright on that account. Reduction has taken place in the north but north is generally filled with labourers. It is for the first time that they were given the right of voting by the last bill. It will be a great hardship to them and great injustice in their case if on account of the reduction in rent they are disfranchised and deprived of the power to vote. Therefore, I maintain that this amending bill should be passed and the people's right of vote should be preserved.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to support the amending bill brought forward by my honourable friend Mr. Asavale. The representative of the Bombay Millowners' Association, the honourable member Mr. Petit, opposed this bill on the ground that the honourable the mover of the bill did not make out a case for this bill. This is the stereotyped reply which is usually given by the representatives of landlords and millowners, and we are not at all surprised at such argument. Our case stands on its intrinsic merits and on arguments which are really convincing. The honourable the mover has surely made out a case for giving the franchise to the poor people. Sir, Bombay is really a city in which the poor labouring classes ought to have the power, because they are the real productive factors of Bombay and not the millowners and the landlords and the aristocrats. The Bombay Corporation ought to be ruled by the representatives of the labouring classes. The corporation has for long been ruled by the aristocrats and it is high time that it is now ruled by the democrats—I mean the representatives of the labouring classes. Sir, the days of aristocracy are gone, and the days of democracy are come. It will be really liberal-mindedness on the part of the aristocrats to concede the civic rights to these labouring classes.

Sir, the honourable mover of the bill wants the franchise to be lowered from Rs. 10 to Rs. 5. I do not see why this right should not be given to the poor people. In the Major Municipalities Act the Honourable Minister has lowered the franchise from Rs. 3 to Re. 1, and there he really stood for democracy, as he always does. I do not see any reason why Government should now oppose this bill.

The honourable member Mr. Marzban said that twice this question was discussed by the corporation and twice the corporation voted against it. Well, that is the very ground why we press that the corporation should be democratised. The corporation, as it is constituted, is an aristocratic body, and that is why it defeats such measures as these. That is a strong ground for making it a democratic body and to give a place in that for the labouring classes. Therefore, that is a strong ground in favour of the bill and not against it. The masses are clamouring for the right to vote, and I think it should not be denied to them. As in the Major Municipalities Act people paying Re. 1 are enfranchised, I do not see why in the corporation the poor labouring classes paying Rs. 5 as rent should not be enfranchised. This is a modest measure, and I hope Government will be pleased to accept it. With these words I support the first reading of the bill.

Mr. S. K. BOLE : Sir, I rise to support the bill. In the year 1925 I moved a similar bill for lowering the franchise from Rs. 10 to Rs. 5, but at that time I was not fortunate enough to get that bill passed. In this session also I have given notice of a similar bill, which will come later on. Sir, our task is very difficult, but we have to try and try again. Unless the doors are hammered often and often, they will not be opened. Of course, there will be opposition from the capitalist and the aristocratic classes ; that will ever be there, because they have monopolised the seats in the corporation and they want to keep their position. It is the Honourable Minister for Local Self-Government who introduced an amending bill in the year 1922 or so, and it was he who gave the tenants paying Rs. 10 the right of vote. Until then the landlords were enjoying the right of vote. It is the Honourable Minister who took the bold step of giving the franchise to these tenants. At that time the corporation as it was constituted—and it is constituted at present in the same manner—was a capitalist and aristocratic body. At that time Government were for lowering the franchise to Rs. 10, but the corporation did not like that ; they wanted that the franchise should be given only to those who paid a rent of Rs. 20. Government sent their proposal twice to the corporation, but twice they rejected it. Then, it was the Honourable Minister—we are grateful to him for it—who took the bold step of moving his bill to give the franchise to people who pay Rs. 10 rent. He came in for a good deal of criticism from the vested interests for doing so, but still he carried the bill. Of course that was a democratic measure, but that bill has not gone far enough. Though the right to vote has been given to people paying a rental of Rs. 10, still out of a population of nearly 12 lakhs in Bombay only a lakh of people are entitled to vote, and nearly 11 lakh are shut out from voting. Is that democracy ? Are a lakh of people to govern the rest of the 12 lakhs ? So, what is wanted is a lowering of the franchise. Only if that is done members of the backward classes, depressed classes and labouring classes will enjoy the right of vote.

It was stated by some honourable member that they do not know how to use the right of voting ; they do not know even symbols—what is an elephant and what is a horse. But whose fault is that ? It is the fault of the very corporation. The corporation has got a revenue of three crores ; yet it has done nothing to advance the education of the backward classes, the depressed classes and the labouring classes. Sir, the Primary Education Act is there ; yet it has been applied only to two wards (F and G) and the other wards have been left out altogether.

Mr. HOUSENALLY M. RAHIMTOOLA (Made some remarks which were inaudible.)

Mr. S. K. BOLE : It is only recently that the Act has been applied to F and G wards. If you give them education, they will then know for whom to vote and how to vote, what are the symbols, what is an elephant, what is a horse and what is a donkey, and so on.

Then, again, when the qualification of a voter for this Council is a rental of Rs. 10 the corporation being a smaller body the franchise must be lower than a rental of Rs. 10. This has been done in the district local boards act. I know the vested interests will always oppose tooth and

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nail this proposition. Because they are afraid that their position will be made difficult.

The number of the backward classes, depressed classes and working people in the city of Bombay is nearly 6,00,000 and in the corporation as it is at present constituted there are only 7 representatives while other classes have got more representation than they deserve. Then may I know who pays the taxes ? It is the tenant who pays the taxes. The landlord does not pay it out of his own pocket. He collects rent from his tenants and pays the municipal tax. And therefore the illiterate classes who pay these taxes should have a right of vote. I would therefore ask the Honourable Minister to be generous in accepting the proposal that has been brought forward to-day.

Mr. F. J. GINWALLA (Bombay City, North): I rise to support this bill. My grounds for supporting this bill is this. We are all talking of democracy and when the real time comes there are many faint hearts. Now this question of democratisation of the municipality has been before this Council time and again and several faint hearts have not voted for this measure. There are three types of mentality; the conservative mentality, the liberal mentality and the nationalist, or progressive or radical mentality. The first is always against any reform and the second is timid and these two have tried to keep power in their hands for so many years. They say that some confusion would be caused by bringing about any change as if the heavens are going to fall. I will only ask the House to be reasonable, I do not want them to be radicals; it will be enough if they can be reasonable. The qualification for a voter to this Council is a rental of Rs. 10. Now I want to ask the House the reason why we should fix the same qualification for the Bombay Corporation. Admittedly it is logical and reasonable that the qualification for a voter to the Bombay Corporation should be lower than the qualification for a voter to this larger body. Take another proposition. The qualification of a voter to the Karachi municipality is a rental of Rs. 2 and for the Legislative Council from Karachi Rs. 5.

An Honourable MEMBER: What is the population there ?

Mr. F. J. GINWALLA: Population is 2 lakhs.

It is an advanced municipality. So I put it to the House why should the qualification to the Bombay municipality be higher than the Karachi Council franchise. The voters in Karachi municipality are exercising the right properly and no case has been made out and no complaint has been received and so why should not the franchise be lowered ? The argument has been trotted out that the time has not yet arrived. As I said the other day if we want self-government the Government of India or the Secretary of State says that the time has not yet arrived and that there will be disaster and law and order cannot be maintained and so forth. They say that the people are not ready for such a measure of reform. I say that this is a bureaucratic reply which should not be repeated by members of this House. They must advance

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with the times. Let us look at other countries. In western countries they are going towards adult franchise. During the debate on the reform of the House of Lords the present Prime Minister Mr. Baldwin said that he is willing to agree that even women of 21 years and more should be allowed to vote. That is the feeling in England, namely that flappers should have the right of influencing the elections. In democratic countries you will find that the franchise is reduced and they are turning their attention to adult franchise and women franchise. I do not know why this country should hold views which are a hundred years old. My honourable friend Mr. Marzban says let us have Rs. 10 to Rs. 20 franchise. But who pays? It is not the capitalist who pays. It is the tenants who pay and therefore they must have representation. If you want to give the right to the intellectual classes the best way to do it is to deprive the landlord and the tenants of their right and give representation only to the registered graduates of the university. That is the best solution. If my honourable friend Mr. Marzban says that the Parsis have got sufficient education and can know who is the right person and the wrong person, then the best course is that they should move with the times. Another point is this, that as my honourable friend from Bombay pointed out, out of 11,37,782 persons 10,42,488 have no right of vote and only 95,294 have got a vote. That is to say, the majority have not got the franchise. Therefore, you do not give any representation to a large number of people in Bombay.

Then, another point I want to make out is this that even the Montagu-Chelmsford Reforms Report says the same thing. These are the words :

"It is of the utmost importance for the constitutional progress of the country that every effort should be made in local bodies to extend the franchise, to arouse interest in the elections and to develop local committees, so that education in citizenship should, as far as possible, be extended and everywhere begun in a practical manner."

Unless and until you are going to give them education in citizenship, how are you going to train our men? And unless and until you give them right of voting, they will not understand what is this municipality and what is this business of this Council, and what not. It is often said by certain people that this country is not prepared or ready for self-government because there is not a sufficiently intelligent or educated electorate. But what is the use of talking like that when you are not going to support a measure which will prepare the electorate? Therefore, even for this country for preparing for self-government, it is necessary that franchise should be given to a larger majority, and I therefore appeal to those members who are still conservative to be more liberal and support the measure. And I still appeal to the Honourable Minister who holds liberal views, and I believe if he had got a free hand, he would vote with us for the bill, but I do not know what is the other influence working which makes him not vote with us. He brought the municipal franchise down to Rs. 10, in the face of the opposition of the Bombay Corporation. The Bombay Corporation was

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opposed to the lowering of franchise then on the ground that Vithu Govind and Pandu might get into the corporation. Therefore, I hope the Minister will support the bill on this occasion, and I hope also that those who are timid or conservative members will also move with the times.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Sir, the bill before the House has two objects. The first is to deprive the traders of the right of voting by adding the words "as a place of residence." So much is said about aristocracy, capitalism and so on, that I also stand charged with all the charges that the supporters of the bill have been making against all the capitalists. But I will appeal to them to consider whether it is fair that they should deprive the traders, those who are doing an important function, of the right of voting. The same members who have supported this bill have brought in the argument that those who are paying the taxes should have a vote. May I then ask the mover why deprive the trader although he pays taxes. The second object is that those who are paying Rs. 5 should have the vote instead of those paying Rs. 10 now. But I will point out to them: Who is going to suffer the loss that they themselves have helped Government to bring about in the matter of the Development chawls and so forth? This House is the owner of the Development chawls. On these chawls there has been a heavy loss. This loss is suffered by this Council, that is, by the general tax-payer. But what about those capitalists, about whom it is said they do not pay the taxes and it is the rent-payers that pay the taxes? It is said that the taxes are not paid by the capitalists or the landlords and that they are paid by the tenants. But tenants pay only in proportion to their incomes? The capitalists alone stand to lose when there are changes in the market and which changes are admitted by the honourable mover of the bill himself that they are losses. Now, will the mover of the bill point out to me whether the tenants are going to make good the losses that are going to be suffered which are not removable by the democracy, which is so much talked of to-day? Do you really think that those who are talking of democracy to-day can exercise, can you tell me whether they can exercise, one right of democracy? Those who are talking in support of labour, will they put their hand on their heart and say whether they have ever been democratic? Democracy for a subject nation to-day is impossible. Democracy simply to set one interest against another is being talked of. But the real democracy, to enable the whole country to have, when such questions affecting real democracy have come, the House and those who are supporters of this bill never come forward to support such actions.....

Mr. R. S. ASVALE: I did support.

Mr. LALJI NARANJI: The honourable mover of this bill says he did support. I will put it to him, all the time that I have opposed the Development grants, the same members who are now standing to help the voters of Rs. 5, have they helped and have they saved this presidency

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against the losses caused by Government or brought on by Government in spite of the protests of the capitalists in the matter of this Development chawls, etc.? They wanted all the chawls for the good of the poor tenants. Have they ever been able by adding these chawls to reduce the rents? They have inflated the values, and they have helped Government for adding all the Development chawls, and the losses the presidency has been put to are paid by whom? Will they point out whether in all the new taxes that have been raised from the people, will those who are here to down the capitalists point out, whether the capitalists have got the greatest voting power? Will the mover of the bill say whether the capitalists have got the greatest proportion of voting? I certainly say that trade and commerce have got the least powers of voting. The mover of the bill failed in the corporation, and that is the reason that he has brought this bill in this House. As regards the corporation, the mover has himself said that the corporation is an aristocratic body. Therefore, I will not refer to it. But I want to refer to this House and the constitution of this House. What is the fact? Trade and commerce has got the least voting power. But on every occasion the capitalist is simply opposed because he is aristocratic. How is he going to be aristocratic? Do those who are in favour of democracy mean to say they are helping the capitalist every time he stands to suffer loss or to lose? There are times of prosperity, there are times of depression. When the depression comes in the course of four years, do they help the capitalist? Only you want more voting, you want the franchise to be reduced from Rs. 10 to Rs. 5. Why? The reason is stated in the statements of objects and reasons. "The lowering of franchise is necessary in advancing real democracy. In other urban areas the franchise has been reduced and a vote is given to a tenant who pays Re. 1 per month. Moreover owing to the depressed condition of trade in the city of Bombay," etc. Now, if there is depression of trade, what are the reasons? Is it due to any changes that Government have made, or because it is the ordinary cycle of depression, prosperity, and other things that come every time? May I ask the honourable mover: Are Government going to help anybody or help those who are disfranchised to remove all the causes of the depression? They do not even support the mover.

They now demand that certain price should be paid to labour. Where is the price on labour? Do they not want the capitalists to exist? Do they not think that the capitalist is a necessary factor in the development of the interests of the country? If they think the capitalist is not necessary, then when they get democracy, let them wipe out the capitalist. It is no use fighting with the capitalist when the spokesmen of the masses themselves are impotent and cannot obtain democracy. Why talk of complete democracy when the masses are a part of a subject nation of which I too am one of the parts? Have you got control over your finances? My honourable friend Mr. Bole rightly referred to this aspect of the question when he said that we wanted more money for education. That is a practical suggestion. Get more money, educate



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your people, deserve and then desire. Train your working classes, educate them, teach them how to exercise the right of vote, show them how to appreciate the importance of right voting, give them more and more primary education, and then, not before, come and ask that the franchise may be reduced even to one rupee. I will in that case support you whole-heartedly, and I know my capitalist friends will also come forward and support your demand for the lowering of the franchise. Give more attention to the finances of the presidency; improve the finances of the presidency; and get more money for primary education. I admit that the process of giving primary education to the labouring classes will be a long and a tedious one, and that even ten or fifteen years may not be sufficient in which to carry out this gigantic task. Do that and then come forward and demand the lowering of the franchise. At present your attempts will be but premature and, as such, will be bound to fail to achieve the very laudable object you have in view. Don't try to tax one at the cost of the other. Remember that both capital and labour are equally essential to the progress of this presidency. We know that labour is contributing to the wealth of the country and we also know that their prosperity is our prosperity. It is no use hurrying forward this process of democratisation. The present constitution has been working only for a period of four years. The tenants paying ten rupees rent have been now enfranchised. Now to reduce the franchise from ten to five would, in the present circumstances, lead to disaster. First let the labour qualify, let the labour educate itself more, let the labour learn to appreciate the value of the right of vote and then see if we, capitalists, do not readily come forward to help them onwards. I can assure the honourable members that we have lost ground in the matter of financial control. I say definitely that the fight is an economic one under the Reforms—not between the richer and the poorer classes. The richer classes stand to gain more by improving the lot of their poorer brethren. We know it, never have we denied it. We know perfectly well that it is by the fruits of the labour of the poorer classes that the richer classes can ever hope to be richer still. Their interests do not clash, their interests are identical, and for this reason alone, if not for any other, we say “First educate labour, first qualify labour and then and then alone demand more rights for labour”. My honourable friend Mr. Ginwalla quoted the instance of England and Mr. Baldwin. In England women have been given their rights. Have we given their rights to the depressed classes, and have our women or our depressed classes the same qualifications as the women of England? What is the good of comparing England and India? I again point out that more money is wanted, more wealth is wanted, more sinews of war are wanted to develop the resources of the country. Get that, spread primary education throughout the land and fight for more privileges, for more rights. We are unable to get more money from those people who are antagonistic to the progress of the country. We find ourselves powerless to advance the interests of the country. We cannot get as much money as we require for the advancement and promotion of our

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educational needs. Where, then, I ask, is the use of clamouring against capitalists and charging them with standing in the way of progress of the *masse*? As I said before, first try to supply the educational needs of the labouring and toiling masses and then, even if it takes ten or fifteen years, come to this House and ask for enfranchising those who at present are, to quote the word used by my honourable friend Mr. Asavale, "disfranchised." I therefore appeal to the honourable the mover to adjourn his bill for at least ten years more.

Sir VASANTRAO DABHOLKAR: Mr. President, I rise to oppose the bill which has been moved by my honourable friend Mr. Asavale (Hear, Hear) (Oh, Oh) (Laughter). My honourable friend who has moved this bill and those honourable members who come from the city of Bombay and who have spoken in favour of this bill are the concerned parties. The mover of this proposition is a disappointed candidate who was thrown out during the last election, but my honourable friends Messrs. Jehangir Petit and Marzban, who have opposed this bill, are the successful candidates. That is why they do not want to lower the franchise because they know that if the franchise is lowered still, they would have to canvass more people. Let me now give my independent opinion as to whether or not the time has come when there should be a change in the franchise for the city of Bombay municipal elections. At the outset, I must say that I do not blame the honourable member Mr. Jadhav who has supported this bill or the other honourable members representing mofussil constituencies who are in favour of the bill and because they are not conversant with the conditions in the city of Bombay, but I certainly do blame the honourable mover of this proposition and the honourable member Mr. Bole for putting their case before this honourable House without any statistics, without any facts and without any figures. My honourable friend Mr. Bole says that the voting power in Bombay city is one lakh. That is incorrect. The voters in Bombay according to the last roll which we have is 140,000. Assuming that the figure quoted by Mr. Bole is correct, what does it show? It shows that you cannot expect every member of a family to vote. A voter has got a family of at least five or six members including children so the majority of the proportion exercise their franchise. The franchise had already been reduced to ten rupees from twenty. If these are the ways of calculation of my honourable friend Mr. Bole who wants eleven lakhs of people to be able to vote, may I know from him whether he thinks that all these eleven lakhs of people are paying rent of 5 rupees? This is the calibre of my honourable friend on my left (Mr. Bole) and that calibre you may expect to find in the corporation if you pass the bill that is now before you.

As regards multiple votes, it looks to me as if the honourable mover is absolutely ignorant of the Municipal Act. I would therefore just draw his attention to section 19(10) which says:—

"If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the Commissioner on or before the first day of November, choose for which one of those wards he shall be entitled to vote."

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If my honourable friend, the disappointed candidate, found that voters had registered themselves in several wards, why did he not bring the matter to the notice of the Municipal Commissioner? Evidently, the honourable mover did not know his duty, and that was to bring to the notice of the Municipal Commissioner, by going through the electoral roll, that certain voters had their names registered in more than one ward. Who was to blame? My honourable friend Mr. Asavale was a candidate from the F ward. If after scrutinising the roll he had found that certain voters' names appeared in the list for A or C or other wards as well as in F ward, the easiest thing which he could have done was to have challenged their right to vote in more than one ward and brought the matter to the notice of the Commissioner under the provision of section 19 (10) of the Municipal Act. If he had done that such names would have been removed. The candidates for election do not care to know what their duty is and still come before this honourable House with a bill to remove the multiple voting. The other argument that was used was that because the rents of the Development Department chawls are reduced, therefore the franchise should be reduced. May I know how many chawls are occupied at Worli?

An Honourable Member: Ask the Honourable the General Member.

Sir VASANTRAO DABHOLKAR: I do not think more than 500 rooms are occupied at Worli. I hope the Honourable the General Member will correct me if I am wrong. At the most, it will hardly be 10 per cent., and because 10 per cent. of the rooms have been occupied, for which the rents have been reduced, the honourable mover of the bill wants to have the franchise reduced.

Then, Sir, I was surprised at the remarks of my honourable friend on my left. He shows his gratitude to the Honourable Minister in charge for refusing to carry out the wishes of the Corporation to raise the franchise to Rs. 20, and in the same breath he says that the Corporation is now an aristocratic body.

Mr. S. K. BOLE: It is.

Sir VASANTRAO DABHOLKAR: How can it be possible? In the same breath he pays a compliment to the Honourable Minister for declining to raise the franchise and yet he says that it is an aristocratic body.

Then my honourable friend Mr. Marzban stopped short about the question of the symbols used in voting. He was very modest in putting before the House the difficulties in voting on account of the lack of education of a great portion of the people. He said that certain candidates had certain symbols, and some of the voters could not understand the symbols. But I say that the trouble goes still further. I know that in the A ward when some of the voters were told to vote for the candidate having the symbol of the elephant, they said "How can the elephant come here? The elephant is in the Victoria gardens." Therefore,

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unless we educate the masses, so that they can properly exercise their franchise, it is useless to talk about reducing the franchise to Rs. 5.

Then the instance of Karachi was quoted, and it was stated that in Karachi, with a population of 2 lakhs, the franchise is Rs. 2. If the population of Karachi is 2 lakhs and the franchise is Rs. 2, then as the population of Bombay is 10 lakhs a franchise of Rs. 10 is quite sufficient.

Then my honourable friend Mr. Ginwalla said that if the franchise is not reduced to Rs. 5, graduates should be given the right to vote. May I ask if graduates are not in a position to pay rent of Rs. 10. Formerly when the franchise was for the owners of property, the graduates had the power of voting, and they were able to exercise it. My honourable friend Mr. Ginwalla wants that if the Council is not disposed to reduce the franchise to Rs. 5 the graduates should be enfranchised as voters which is not reasonable. The Corporation is trying to get sufficient money from Government to make education free and compulsory in all the wards to educate the masses so that we can have Vithoos and Pandoos on the Corporation; and we shall be glad to have on the Corporation not only Vithoos and Pandoos but even Ginwallas and Jhabvallas.

Before I conclude, I want to point out to the Honourable Minister what his policy has been in respect to such matters. On the last occasion when there was a question of reducing the franchise to Local Boards, he said that the Local Boards did not want the franchise to be reduced and so he opposed the bill. Therefore, if the franchise is to be reduced in Bombay City, he should act up to his word and consult the Corporation whether the time has come for the franchise to be reduced to Rs. 5, and if the Corporation agrees to it, he may take the necessary steps in the matter, because the Corporation is the body mainly concerned; he should not support my honourable friend Mr. Bole or my honourable friend Mr. Asavale who are disappointed candidates and they rush to this Council every now and then. Possibly, this is the third time that the bill has appeared on the agenda of this House. Of course, there is going to be a further development as regards the reservation of seats for members of particular castes, and I shall see how far the advocates of democracy will agree to go in for the reservation of seats for particular castes. But this is not the time to say anything on the matter, and I shall accordingly reserve my remarks on the point.

With these words, I think the Council will do well to throw out the proposition so ably moved by my honourable friend Mr. Asavale, without any facts and figures to support his case.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I think the honourable mover of this bill would have been more successful had he not brought this bill before this House in a situation which is complicated and rather grave. We know that the subject is very important, and when we consider it from the view point of arguing it among ourselves, all the arguments that we utilise in reasonably defending the case of one

[Mr. G. I. Patel]

party against the other are at the same time likely to be utilised unreasonably in defending the whole country against a foreign government, which meets our demands with similar kinds of arguments and reasons to counteract our claims. It is therefore that I wish that such a bill had not been brought before this House for discussion, in order to keep our position consolidated quite safe and free from any misunderstanding that may be caused by a reasonable discussion on this question. My honourable friend Mr. Ginwalla says "Truth first everywhere." But he ought also to have known that truth is never bawled out from the house-tops. It has to be seen whether we discuss the truth at the proper time in congenial atmosphere and in suitable circumstances, and whether the discussion of that truth at any particular moment would lead to success and would prevent harm. In regard to this subject, it is useless for the "capitalists" and the "labourers," or the so-called "vested interests" and the "masses" to assume the attitude of a quarrel among themselves. The most important question that my honourable friend Mr. Bole has placed before us is the "education of our masses." If my honourable friend Mr. Bole has actually witnessed certain election campaigns in the lower strata of the masses, I may be permitted to draw his attention to the fact that sometimes *liquor* has become the deciding factor in giving wholesale votes to particular candidates. This is a question which I would be the last person to discuss on the floor of this House. Unfortunately, a situation has been to-day created when, as my honourable friend Mr. Ginwalla says, one has to speak the truth unwillingly. The calculations which my honourable friend Mr. Bole has placed before the House have already been replied to by the hard facts, that the voting strength, excluding children, invalids and other persons in Bombay would not be more than 3 lakhs of individuals. Half the number under the present Act has been enjoying the franchise. The question therefore remains to be considered in regard to the other half. So, he has already got by this time what may be called a very reasonable franchise. As regards the other half, which he wants to be enfranchised with one leap, I would request him to wait a little to gather strength, and then after five or six years to bring forward his proposition for a measure between Rs. 5 and Rs. 10 after he has been successful in getting the masses educated to an extent where discretion is adequately used in voting.

My honourable friend Mr. Ginwalla says by way of an interruption that the arguments against the bill are "bureaucratic." I do not want to express my arguments in strong terms, as they may be misapplied and misunderstood, and they may be used for mischievous purposes by "other interested people." It would be undiplomatic and unwise to use them on a question which is so complicated among ourselves. Further, my honourable friend Mr. Bole said that those who pay the rents and thus the taxes should have a right to vote. He seems to think that it is only those who live in the chawls and pay rents of Rs. 10 or Rs. 15 are the real people who pay taxes. If that is the real principle on which the question has to be decided, then I think I would be the last person to even consider it favourably. Who really pays the taxes? Suppose a man who lives in a chawl

[Mr. G. I. Patel]

comes forward and asks a Government member : " I have got a share in the revenues you are getting from the people of this presidency. Do this and do that." Is that the proper way of putting it or doing it ? You cannot do away with the middle factor the " owner " who is really instrumental in giving direct revenues to Government. Then the honourable member Mr. Ginwalla compared Karachi with Bombay. I wish he had not raised that argument by comparing Bombay with Karachi in support of his claim. In that case he has no claim to reduce the franchise from Rs. 10 to Rs. 5. The honourable member himself stated that unless you educate them it is useless to enjoy certain rights. At any rate his argument pointed to me that direction. My honourable friend Mr. Bole accepts the position of bringing the masses to a reasonable level of exercising their franchise. If they do that much we are quite prepared to join hands with them and say : " You have done your duty and we are prepared to do our duty as is expected from us. "

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi) : Sir, it is a very useful measure that has been brought forward and I heartily support it. The Honourable Minister for Local Self-Government brought in a measure that reduced the franchise to Rs. 10, which enabled the backward communities to take advantage of representing their grievances and introducing measures in the municipalities and local boards for their amelioration. About ten or twenty years ago only the moneyed, advanced classes got into these bodies and whenever the officials came for inspection on inquiry they represented to them that all was well. The official members alone took proper care of the interests of the backward classes. Those gentlemen never cared to look after the interests and welfare of the backward communities. You cannot expect them to know exactly the conditions of the backward communities as the members of the backward communities themselves. During elections the rich people who could afford to spend by means of parties and other amusements secured their votes and got into the local bodies. The backward people had neither the means to spend nor the opportunity to make their voice felt in those bodies. The advanced classes and moneyed people blow hot and cold in the same breath. They cry for swaraj on the one hand and on the other they refuse to give the ordinary rights to the masses to sit on those bodies and represent their wants and grievances. I request them not to be inconsistent in their attitude and to support the measure with sympathy and generosity for the masses. In Bombay, Dadar and Parel are inhabited mostly by millhands. They are living in very insanitary surroundings. They ought to exercise their franchise in order to return a man of their choice to the corporation to represent them, and then only they can have better sanitation and a better condition of living. One honourable member from Bombay said that the backward class voters are ignorant and they freely vote if only toddy is offered to them. I really pity the honourable member. I emphatically say that it is no use accusing the backward class voters for taking toddy before voting. But let me tell the honourable House

[Mr. S. P. Ligade]

that it is only the rich, the landlords, the mill-owners who spoil these people and it is they who administer toddy and wine to those people and get votes from them. Those who spoil these people are more to be blamed than those who are victims of the evil practice. It is therefore with the intention of putting a stop to this vicious practice that I support this bill. With these few words I strongly support this bill.

The Honourable Sir GHULAM HUSSAIN: Sir, I wish to confine myself now to the first part of the bill in order to save the valuable time of the House. The amendment that is proposed is, "in sub-section (2) of section 11.... insert the words 'as a place of residence' between the words 'occupied' and 'of which'". I tried to think over what he meant; I could not understand him; I took the assistance of the Secretary; I sought the help of the Government benches; well, I was no wiser. Then, I tried to turn my attention to the object of the honourable mover in bringing forward this amendment. His object is that the same man should not vote twice in the same ward or in different wards. But to secure that object, he is demolishing the democratic principle which he is seeking to establish. By inserting those words in section 11 (2), he will deprive a large section of the public of their votes. Persons who occupy premises of which the rental value is Rs. 10 or more, who have now a vote, will be deprived of their vote if they do not use those premises as places of residence. Thousands of people will be deprived of their vote. Joint stock companies, firms and trustees, who occupy these premises will be deprived of their vote if the words "as a place of residence" are inserted in section 11 (2).

Then, I would draw the honourable member's attention to section 19, clause (4) of the City of Bombay Municipal Act: it says—

"In preparing the ward lists the Commissioner shall enter therein the names of the persons who are entitled to be enrolled under the provisions of sub-section (2) of section 11, whether such persons, be individuals, companies, firms, undivided families, or other associations or bodies of individuals, and shall also enter the names of persons who are entitled as aforesaid as the trustees of any building or land."

Even supposing that the legal effect of his amendment will be to deprive these companies, firms and trustees of their vote—though that will not be the case—I wish to point out that it will be so much the worse for him. He advocates democracy in his statement of objects and reasons, but here he is depriving thousands of people of the vote which they at present enjoy. His argument is that it will stop plural voting. I would draw the honourable member's attention to section 19 (10), which runs:

"If the name of any person is entered as a voter in more than one ward list, he may by notice in writing, which he shall give to the Commissioner on or before the first day of November, choose for which one of those wards he shall be entitled to vote."

Then, I would refer my honourable friend to clause (19) of section 19, which says:

"The Commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered in more than one ward list has not chosen as aforesaid the Commissioner shall determine for which one of those wards he shall be entitled to vote."

[Sir Ghulam Hussain]

That means that the remedy is in the hands of the honourable mover of the bill. If he is a candidate, he ought to be on the alert and take every precaution to see that the same man is not enrolled twice in the same ward or in different wards. I am sure in these days of keen competition, every candidate will take good care to see that one man is not enrolled twice in the same ward or in different wards. If the Commissioner is informed, he will take the measures provided under section 19.

Now, coming to companies, firms and trustees, their case is quite different from the case of the individuals who occupy the houses or premises. These companies, firms and trustees have been given the vote, and they might appoint any one to go and vote on their behalf. If my honourable friend the mover of this bill wants to deprive all these thousands of people—if I mistake not, there are nearly 7,000 firms in the city of Bombay and a large section of the public have business premises of which, the rental value is Rs. 10 or more—then he cannot call this measure a democratic measure. In his statement of objects and reasons, the mover claims that the object of the bill is to democratise the corporation, but this measure will not advance democracy; but on the contrary it will establish an oligarchy.

The remedy for plural voting is already provided, and it is the duty of the candidate who stands for election to see that one person's name is not enrolled more than once in one ward or in different wards. As regards the other clause of the bill, I wish to reserve my remarks.

The Honourable the PRESIDENT: The honourable member Mr. Bechar.

Mr. N. A. BECHAR: Sir, as there is no time to-day, I will speak to-morrow.

The Honourable the PRESIDENT: If the honourable member does not choose to address the House, I may accept the closure. Does the honourable member wish to address the House?

Mr. N. A. BECHAR: If you continue the debate, I prefer addressing the House to-morrow.

An Honourable MEMBER: I move the closure.

The Honourable the PRESIDENT: I accept it.

Mr. R. S. ASVALE (Bombay City, North): Mr. President, the Honourable Minister for Local Self-Government told the House that in trying to stop multiple voting I was depriving some people of the right of vote which they already possess. But I will assure him that it is not my intention to deprive anybody of the right of vote he already possesses. The Honourable Minister stated that firms who have the right of vote can depute any one to vote on their behalf. What I want to point out to him is that the person whom the firm deposes to vote will have a vote for himself for his place of residence, and if he votes for the firm he will be exercising a double vote. In the interest of the masses, I have brought in an amendment to reduce the franchise from Rs. 10 to Rs. 5, and if



[Mr. R. S. Asavale]

this is passed, not only the proprietor of the firm but even the servants of the firm will get the vote if they pay a rent of Rs. 5. And any man whether he be a manager of the firm or a representative of the firm or a trustee, is always a voter if he has a residence. I only want that those who occupy any premises or have a residence should be voters and nobody else. I am not against democracy. But I am a strong advocate for democracy and for the very reason I have brought this bill to advance the cause of democracy so that every man who has a residence in the city shall have the right of vote. It is not a fact that those who have been enjoying the right of vote will be deprived of it. The matter of multiple voting was brought before the court in an election petition case and it was also made clear but the court could not help it as the names appeared in the roll. It is no doubt the duty of the candidate to examine the list or lists of voters but, Sir, one cannot be expected to examine and see 7 lists containing more than 1,40,000 names and detect one and the same name in different lists. The names given are of one and the same person but they cannot be detected by mere examining from the voters' lists as the names given in the voters' lists are either full or with initials or without surnames or with different addresses. As a matter of fact the multiple voting had occurred. Some names appearing twice have been taken out sometimes from one and the same ward but not from different wards. But through the mistakes of clerks who prepare these lists these double names do occur. We know how the work of the preparation of the electoral roll is done.

My honourable friend the representative of the millowners of Ahmedabad has stated that nearly half the population are enjoying the right of voting. I do not admit that half the population are enjoying the right of voting, but I do admit that nearly half the tenants enjoy the right and he is therefore supporting my argument that people know how to use their vote. It will be seen from his statement that people are now accustomed to use their vote.

My honourable friend Mr. Marzban argued that toddy, liquor and other things such as refreshments are served to the voters. But my friend forgets that such things are prohibited under the law and cannot be provided by poor representatives of the people and if toddy or liquor are supplied it is not supplied by the representative of those who pay Rs. 5 rental, but actually by those who have got money and who think that unless they supply toddy and liquor they won't get their votes. Unless they do these things they will never get votes.

The reason why I failed by 50 votes in the last municipal general election was on account of this double vote or multiple vote. The names are there and they cannot be rejected as was proved in the court unless the actual persons whose names appear in the rolls wrongly are served with summonses and brought before the Court.

My honourable friend Mr. Lalji Naranji stated that he would be the first man to vote for a bill not for Rs. 5 rent per month but even rupee one.

[Mr. R. S. Asavale]

It is very easy to say so. If he is not voting for a bill for reducing the franchise to Rs. 5, how would it be possible for him to vote for a reduction of the franchise to rupee one. It is quite impossible and absurd.

The Honourable the PRESIDENT: Will the honourable member take a long time to finish?

Mr. R. S. ASVALE: I will take about fifteen minutes, Sir.

The Honourable the PRESIDENT: The House is now adjourned till 1-30 p.m. to-morrow, Saturday, the 15th October 1927.

*Saturday, the 15th October 1927*

The Council re-assembled at the Council Hall, Poona, on Saturday, the 15th October 1927, at 1-30 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 ADDYMAN, Mr. J.  
 AHMAD, MOULVI RAFIUDDIN  
 ALLAHBAKSH walad Khan Saheb HAJI MAHOMED UMAR, Mr.  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ANGADI, Rao Bahadur S. N.  
 ASVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, KHAN BAHADUR SHER MUHAMMAD KHAN  
 BIRADAR, SARIDAR MAHABOOBALI KHAN  
 BOLE, Mr. S. K.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. B. T.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HAIDAR SHAH, Mr.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HATCH, Mr. G. W.  
 JADHAV, Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHangIR, the Honourable Sir COWASJI

JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
JOG, Mr. V. N.  
JONES, Major W. ELLIS  
JOSHI, Mr. S. C.  
KALE, Rao Bahadur R. R.  
KAMBLI, Rao Bahadur S. T.  
KARKI, Mr. M. D.  
LALJI NARANJI, Mr.  
LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
LIGADE, Mr. S. P.  
MANSURI, Khan Saheb A. M.  
MARTIN, Mr. J. R.  
MARZBAN, Mr. P. J.  
MEHTA, the Honourable Sir CHUNILAL  
MONTEATH, Mr. J.  
MUJUMDAR, Sardar G. N.  
MUKADAM, Mr. W. S.  
MUNSHI, Mr. K. M.  
NAIK, Rao Bahadur B. R.  
NANAL, Mr. B. R.  
NAVLE, Mr. N. E.  
NOOR MAHOMED, Mr.  
OLIVEIRA, Mr. F.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. G. I.  
PATEL, Mr. J. R.  
PATIL, Rao Saheb D. R.  
PETCH, Mr. F.W.  
PETIT, Mr. J. B.  
POOLEY, Mr. C. B.  
PRADHAN, the Honourable Mr. G. B.  
PRADHAN, Mr. R. G.  
RAHIMTOOLA, Mr. HOSENALLY M.  
RAJMAL LAKHICHAND, Mr.  
RIEU, the Honourable Mr. J. L.  
SARDESAI, Mr. S. A.  
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
SHIVDASANI, Mr. H. B.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.  
SYED MUNAWAR, Mr.  
THAKOR OF KERWADA, the  
THORAT, Sardar S. B.  
THORNER, Mr. J. P.  
TURNER, Mr. C. W. A.

VANDEKAR, Rao Saheb R. V.

WASIF, Mr. G. A. D.

WEBB, Mr. M.

WILES, Mr. G.

The Honourable the PRESIDENT: I have to announce that the following Acts have received the assent of His Excellency the Governor General:

(1) An Act further to amend the Dekkhan Agriculturists' Relief Act, 1879:

(2) An Act to amend the President's Salary Act, 1924.

Questions.

#### CHILDREN ACT: WORKING

Mr. W. S. MUKADAM on behalf of Mr. H. J. AMIN (Broach District): Will Government be pleased to state what steps they have taken to enforce the provisions of the Children Act in the city of Bombay and the mofussil?

The Honourable Mr. J. L. RIEU: A Society formed for the purpose of working the Children Act and known as the Bombay Children's Aid Society was established in Bombay early in this year. Government have provided a sum of Rs. 20,250 in the current year's budget as a grant for this Society. A Juvenile Court has also been established under the Act. Government have spent nearly Rs. 19,000 on remodelling and refitting a large portion of the old Common Prison at Umarkhadi, so as to make it suitable for a Juvenile Court and a Remand Home, and have given the building, now known as the Umarkhadi Children's Home, to the Children's Aid Society rent free for five years, to assist the Society in carrying out the purposes of the Act. One of the Presidency Magistrates has been appointed to preside over the Juvenile Court, and Government have framed rules of procedure for its guidance. Rules under section 52 (1) and (2) of the Act have been framed and published. Appointments have been made under the Act of "Fit Persons," and certain institutions have been certified under the Act as "Auxiliary Homes," "Places of Safety," and "Certified Schools." Lady Honorary Magistrates have also been appointed to assist the Presidency Magistrate who presides over the Juvenile Court. The Act has been made applicable to the Municipal borough of Lonavla in the Poona District since 2nd June 1927, but its extension to other parts of the Presidency has been deferred for the present on grounds of financial stringency and administrative difficulties.

#### SCHOOLS: DOUBLE SHIFT SYSTEM

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(a) whether a double shift system has been introduced in any of the Government or aided schools;

(b) if so, the number of schools and the names of the districts in which it has been so introduced;

(c) if not, whether they propose to introduce such system?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.  
(b) Number of schools :—

Government Secondary	Aided Primary	Secondary	Name of District
....	2	....	Bombay City.
....	12	....	Thana.
....	6	....	Nasik.
....	1	....	Kolaba.
....	2	....	Sholapur.
....	10	3	Poona.
....	16	1	Ahmednagar.
....	20	2	East Khandesh.
....	24	1	West Khandesh.
....	....	1	Biapur.
1	....	3	Karachi.
<hr/> 1	<hr/> 93	<hr/> 11	

(c) Government are not in favour of continuing for a long time the double shift system which is at present in operation in only one of their schools nor are they inclined to introduce the system in any more of their schools. With regard to primary schools, it is for the Local Authorities concerned to decide the matter with the sanction of Government.

Mr. R. S. ASVALE : May I know why Government is not in favour of continuing such a system ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It has been tried and has been proved unsuccessful.

Mr. R. S. ASVALE : Then, what about the other aided schools in which the experiment has been tried, nearly 93, and 11 secondary schools ? How is it that they have been given aid in spite of Government finding that it is unsuccessful ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The results of their experiments are known to them. The results of experiments tried in Government schools are known to Government and they have proved unsuccessful, absolutely unsuccessful.

Mr. R. S. ASVALE : Does it mean that Government are going to stop these 11 schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If Government find that the quality of teaching is very inferior, then Government may have to ask them to stop that system.

Mr. R. S. ASVALE : Up till now they have not found the teaching inferior ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The honourable member knows, as well as I do, that the quality of teaching in our schools of the present day is going down, and, therefore, it cannot be allowed to go down further.

## BRIDGES OVER THE PATAL GANGA RIVER

Mr. A. M. ATAVANE (Kolaba District): Will Government be pleased to state—

(a) how many lives have been lost in the Patal Ganga River during the last five years ;

(b) how many bridges have been constructed by the Tata Hydro-Electric Power Supplying Company on the said river :

(c) if none has been built, what steps have been taken by the said company for providing facilities for crossing the river at important places ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for

## BOMBAY CHILDREN ACT : RECOGNIZED SCHOOLS

Mr. N. R. GUNJAL on behalf of Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(a) the number of schools which are recognised under the Bombay Protection of Children Act ;

(b) the grants, if any, given by Government to any of these schools.

The Honourable Mr. J. L. RIEU: (a) Seven schools have been certified under the Act.

(b) No grant is made by Government to any of these Schools for work it does under the Children Act. A lump grant is paid to the Children's Aid Society which pays capitation grants for each child to the certified schools and other institutions taking charge of the children according to rates agreed upon between them.

## SOCIETIES FOR REMOVAL OF RAILWAY GRIEVANCES

Mr. N. R. GUNJAL on behalf of Mr. M. G. BHOSLE (West Khandesh District): Will Government be pleased to state—

(a) the number of Societies for Removal of Railway Grievances that exist in the Bombay Presidency ;

(b) the financial condition of these societies ;

(c) the amount of monetary contributions given by Government to these societies ;

(d) the total amount of such grants ?

The Honourable Mr. J. L. RIEU : Enquiries are being made.

## MARATHI TRAINING SCHOOL

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether they are aware that the closing of the Marathi training school will retard the progress of education amongst the backward classes ;

(b) whether they propose to reconsider the matter and reopen the school for the students of the backward and depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Government do not anticipate that any untoward results will occur.

(b) Not as at present advised.

#### LABOUR OFFICE : ENQUIRY INTO DEDUCTIONS OF WAGES

Mr. S. K. BOLE : Will Government be pleased to state whether they propose to publish the report of an enquiry which the Labour Office conducted into the question of deductions from wages or payments in respect of fines ? If so, when ? If not, why not ?

The Honourable Sir COWASJI JEHangIR : The Report will be published shortly.

#### LABOUR WELFARE : COTTON TEXTILE BOARD RECOMMENDATIONS

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether welfare of labour is a provincial subject ;

(b) if so, what steps they have taken in the interests of Labour, to give effect to the recommendations of the Indian Tariff Board (Cotton Textile Industry Enquiry), particularly recommendations Nos. 46, 47, 48, 49, 50, 51, 53, 54, 55, 56 and 57 in the summary of conclusions and recommendations (pages 209 and 210 of the report) ;

(c) whether, after the publication of the Tariff Board Report, they consulted either the employers' or employees' organisations about such of the recommendations which are stated to be conducive to the welfare of labour :

(d) if so, the names of the organisations which they addressed and also what replies were received by them : if not, why not ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b), (c) and (d) The Tariff Board was appointed by the Government of India and the report submitted by the Board is on the whole for the consideration of that Government. The Government of India have so far addressed the Government of Bombay with regard to the recommendations contained in paragraphs 57, 59-72, 82 and 99 of the report which are under the consideration of Government at present. The recommendations mentioned in part (b) of the question do not call for any official action, as the initiative in such matters rests with the Millowners.

#### KRISHNA CANAL, SATARA : FINES

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) whether the amount of Rs. 44,063 shown as the total collections under receipts on Krishna Canal on page 249 of the Administration Report, Irrigation Works, Part II of 1924-25 includes the sum of Rs. 10,904 imposed as fines and penalties on the Bagayatdars as stated



in reply printed on page 435 of Volume XX of the Council Debates of 1927 ;

(b) the causes that led to the inflictions of such heavy fines and penalties ;

(c) whether it is a fact that the fines or penalties amounting to Rs. 10,904 were imposed on the Bagayatdars in 1924-25 for the excess area watered by them and discovered before the crops had ceased to be watered ;

(d) if not, what is the area of the crops that was discovered after the crops had ceased to be watered and what was the area that was discovered before the crops had ceased to be watered ;

(e) whether it is a fact that head No. 10 " Fines " has been omitted under the head receipts of Krishna Canal of the said Government report ;

(f) if so, why the said head No. 10 is omitted ;

(a) whether it is at the discretion of the officers submitting the report to amalgamate the different heads ;

(h) whether there are any other canals in the presidency where the amount under No. 10 " Fines " has been incorporated under a different head ?

The Honourable Sir COWASJI JEHangIR : (a) to (h) The information is being collected.

#### MAHALKARI OFFICE : SHIRALA PETHA

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) the date on which the office of Mahalkari of Shirala Petha in Satara District moved to the newly constructed building ;

(b) whether they have given to the residents of Shirala an opportunity of being heard as regards the disposal of the old office building ;

(c) whether it is a fact that the district local board grant-in-aid dispensary at Shirala has no building and that it is located in a rented house unsuited for dispensary purposes ;

(d) whether it is a fact that the accommodation at the school house at Shirala is insufficient and unfit for boys especially in summer ;

(e) whether the old office building has been given in possession of Dr. Ellis of an American mission, and if so, on what conditions ?

The Honourable Sir GHULAM HUSSAIN : (a) 27th March 1927.

(b) Yes, some villagers applied requesting that the old kacheri building should be used for the Dispensary.

(c) Yes, but so far no complaint has been received that the rented house is unsuitable for Dispensary purposes.

(d) No. The District School Board, Satara, considers the school house quite sufficient, with the addition of a new building which has been recently rented. The Local Board intends thatching the corrugated iron roof of their building with grass before the hot weather.

(e) Yes, temporarily, for use as a leper clinic on condition that the Mission carry out any necessary repairs at their own expense.

Mr. L. M. DESHPANDE : May I know whether that is the only condition on which it is given to the American Mission, or are there any other conditions ?

The Honourable Sir GHULAM HUSSAIN : So far as I know, those are the only conditions.

Mr. L. M. DESHPANDE : Was not the local board prepared to take up the building on those conditions ?

The Honourable Sir GHULAM HUSSAIN : The lepers also belong to India and they live within the jurisdiction of the local boards.

Mr. L. M. DESHPANDE : Was there not a request from the villagers that there should be a dispensary in this building ?

The Honourable Sir GHULAM HUSSAIN : From some villagers.

Mr. L. M. DESHPANDE : Yes, some villagers. Why was it refused ?

The Honourable Sir GHULAM HUSSAIN : I think to attend to lepers is more important.

Mr. R. S. ASAVALE : Was this building, engaged as a dispensary, visited by Government sanitary officers ?

The Honourable Sir GHULAM HUSSAIN : Yes.

#### DUMALA VILLAGES

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to lay on the table information in the following form about the Satara District ?

Year	Number of Madat suits of Dumala villages	Number of suits decided within the period prescribed by the Commissioner	Remarks, if any, passed by the Inspecting Officers for the delay
1924-25 .. ..			
1925-26 .. ..			

The Honourable Mr. J. L. RIEU : A statement showing the disposal of madat decrees during the years 1924-25 and 1925-26 is placed on the Council table.

*Statement showing information regarding Madat suits filed by  
Inamdars in the Satara District*

Year	Number of Madat suits in Dumala villages	Number of suits decided within the period pre- scribed by the Commissioner	Remarks, if any, passed by the Inspecting Officers for delay
1	2	3	4
1924-25 .. ..	185	17	At the time of the Commissioner's inspection of the Khatav Taluka Office in March 1927 it was found that about 15 madat cases had been pending for more than a year. The Commissioner thereupon remarked upon the impropriety of the delay and directed that the cases should be promptly disposed of.
1925-26 .. ..	200	14	

Mr. L. M. DESHPANDE : Sir, the Collector and the Assistant or Deputy Collectors do visit talukas. Have they made any remarks ?

The Honourable Mr. J. L. RIEU : I am not aware whether or not they have.

Sardar G. N. MUJUMDAR : What steps has the Commissioner, C. D., taken to see that madat suits are decided within the prescribed time ?

The Honourable Mr. J. L. RIEU : The action taken by the Commissioner is shown in the remarks column.

Sardar G. N. MUJUMDAR : But that is only with regard to the Khatav taluka and that too only for year 1927. But what about the years 1924-25 and 1925-26 ?

The Honourable Mr. J. L. RIEU : I am not aware whether he took any other action.

Sardar G. N. MUJUMDAR : Will Government be pleased to issue strict orders in this regard for the future guidance of the Commissioner and other officers ?

The Honourable Mr. J. L. RIEU : The Commissioner has already issued orders in this behalf.

### LLOYD BARRAGE AND CANALS CONSTRUCTION : EXPENDITURE

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to give following information regarding the Lloyd Barrage and Canals Construction :—

Sub-head	Amount originally provided for in the estimates	Amount provided for in the revised recapitulation	Actual expenditure to end of 1926-27
(1) Works .. ..	..	..	..
(2) Establishment .. ..	..	..	..
(3) Tools and Plant .. ..	..	..	..

The Honourable Sir COWASJI JEHangIR : A statement giving the information required is placed on the Council table.

*Statement showing amounts originally provided for in the estimates. amounts provided for in the revised recapitulation and actual expenditure to end of 1926-27*

Sub-head	Amounts originally provided for in the estimates	Amounts as per revised recapitulation sanctioned by Government in September 1925	Actual expenditure to end of 1926-27	Remarks
	Rs.	Rs.	Rs.	
(1) Works .. ..	14,71,41,097	13,88,63,253	4,09,02,478	
(2) Establishment .. ..	2,43,84,470	2,60,02,204	88,33,029	
(3) Tools and Plant .. ..	1,07,10,677	2,31,44,201	17,93,588	
Total	18,82,36,244	18,80,09,748	5,15,29,095	
Deduct for salvage value of plant and buildings at Barrage and share of cost of Barrage payable by the Khairpur State ..	1,00,01,680*	1,00,01,680*		Rs. * Salvage value of Barrage plant and Buildings. . . 74,64,680 Share of cost payable by the Khairpur State . 25,37,000
Net direct charges ..	17,82,34,564	17,80,08,068		1,00,01,680

*Notes.*—An excess of about Rs. 60 lakhs is anticipated mainly on account of Customs duty imposed since the project was sanctioned.

## I. M. S. OFFICERS : POSTS RESERVED FOR EUROPEANS

Mr. P. J. MARZBAN on behalf of Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Education be pleased to state—

(a) whether the posts of Professor of Midwifery and Diseases of Women and Children and Superintendent of the Motlibai and Petit Hospitals, Bombay, and that of the Port Health Officer, Bombay, are reserved for European Officers of the I.M.S. to the exclusion of Indians ;

(b) whether the minimum standard of qualifications and special training to be exacted from European Officers who are appointed to hold such highly specialised and technical posts has been laid down ;

(c) what are the special qualifications and training in midwifery and diseases of women of the present incumbent of the post of Professor of Midwifery and Gynæcology at the Grant Medical College and also of those who have acted for him during his leave in the last three years ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The two posts mentioned by the honourable member are not at present specifically reserved either for European or Indian I. M. S. Officers. The question of reserving them for European I. M. S. Officers is under consideration.

(b) The Port Health Officer is expected to possess the diploma of Public Health.

No special qualification is laid down for the Professor of Midwifery, etc., but the Officer appointed to this post has always shown some aptitude in this branch of medical practice.

(c) Lieutenant-Colonel A. F. Hamilton, I.M.S., Professor of Midwifery and Gynæcology, is an M.B., London, F.R.C.S., England. He specially studied Gynæcology. Of acting Officers Major C. M. Plumtree is M.R.C.S., England, L.R.C.P., London. He does not appear to have any special qualifications in Midwifery and Gynæcology. Major W. C. Spackman, M.B.B.S., London, M.R.C.S., L.R.C.P., has done a post graduate course in Gynæcology recently.

Mr. P. J. MARZBAN : Why is the question of reserving these posts for European members of the I. M. S. under consideration ?

The Honourable Dewan Bahadur HARILAL D. DESAI : On account of the recommendations of the Lee Commission.

Mr. P. J. MARZBAN : Are not Government aware that there are equally qualified Indian doctors and surgeons who are quite capable of holding these posts ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They are.

Dr. M. K. DIXIT : (Inaudible.)

The Honourable Dewan Bahadur HARILAL D. DESAI : That is the recommendation. It has not yet been reserved.

Mr. J. C. SWAMINARAYAN : Who has recommended it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The old arrangement is still going on.

Dr. M. K. DIXIT : With regard to answer to (b) the second sentence in it—was the aptitude shown before or after appointment ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Both before and after.

Dr. M. K. DIXIT : Had the officer any special opportunities of exhibiting his aptitude in private practice ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There was a provision allowing private practice as well as practice while in service.

Mr. F. J. GINWALLA : Where has Major W. C. S. Spackman, M.B.B.S. (London), M.R.C.P., L.R.C.P., done a post-graduate course in Gynæcology ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I want notice of the question.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Is it not a fact that a large percentage of women and children receiving treatment at the Motlibai and Petit Hospitals is Indian and therefore Indian officers of same qualifications are better fitted for the jobs ?

The Honourable Dewan Bahadur HARILAL D. DESAI : That is a matter of opinion.

Mr. J. C. SWAMINARAYAN : Are Europeans better qualified to treat Indians ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I cannot give any opinion.

#### HINDU-MOSLEM TENSION, TALEGAON

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether it is a fact that the Hindus at Talegaon-Dabhade tried to establish on the 25th August 1927 their customary right of conducting the procession of Vithoba's *palki* by the road passing along the mosque in Raviwar Peth ;

(b) whether it is a fact that the Muhammadans at Talegaon-Dabhade ran out of the mosque to attack the Hindus and armed police party in order to create confusion and disorder in the procession ;

(c) why the District Magistrate with a police force approached Sardar Dabhade's wada before the procession came to the road along the mosque ;

(d) whether it is a fact that the Muhammadans submitted their complaint in writing to the police officers in the year 1925

(e) the dates of the complaint by the Muhammadans and that of the report by the Assistant Police Superintendent about Sardar Dabhade's Ganpati and the Jains' religious processions ?

The Honourable Mr. J. L. RIEU : (a) to (e) The matter is *sub-judice*.

#### DEPUTY SUPERINTENDENT OF POLICE, POONA DISTRICT

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) for how many years the Deputy Superintendent of Police of Poona District has been holding that post ;

(b) for how many years he is to continue his services there ;

(c) what are the rules governing the transfer of such officers ?

The Honourable Mr. J. L. RIEU : (a) Since 19th June 1925.

(b) and (c) Transfers of police officers are regulated by the exigencies of the public service. It cannot be said at present how long the present Deputy Superintendent of Police will remain at Poona.

#### HINDU-MOSLEM TENSION, TALEGAON : PROCESSIONS PAST JUMMA MASJID

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) when the Jumma Masjid in Raviwar Peth at Talegaon-Dabhade taluka Mawal, district Poona, was built ;

(b) whether they are aware that all the four Hindu processions at Talegaon-Dabhade, viz., (1) Shiralshet procession, (2) Shri Vithoba's Palki procession, (3) Jains' Varghoda procession, and (4) Sardar Dabhade's Ganpati procession, used to be taken along the road on which the said Masjid is situated without any cessation or restriction whatsoever as to the playing of music ;

(c) whether they are aware that the four processions have been taken past the said mosque for the last 40 years or so without any restriction as to the number of musical instruments played ;

(d) why the District Magistrate, Poona, made a departure from the established practice and procedure by imposing a fresh restriction as to the number of musical instruments to be played during the conduct of these four processions ;

(e) whether they had issued instructions to the District Magistrate, Poona, to impose the restrictions mentioned above ;

(f) whether it is a fact that the District Magistrate, Poona, has promised the Muhammadans to restrict the number of musical instruments to be played during the conduct of these four processions, while 40 paces before, in front of and after their said mosque at Talegaon-Dabhade ;

(g) whether this year or any year during the last forty years any Hindu-Muslim disturbance had taken place in this connection :

(h) if so, which party was found to be the aggressor ;

(i) whether they have decided upon any policy with respect to the playing of music before the mosque ;

(j) if so, what this policy is ?

The Honourable Mr. J. L. RIEU : The matter is *sub-judice*.

Mr. JAIRAMDAS DOULATRAM : Is the matter still sub-judice when it was disposed of three days ago ?

The Honourable Mr. J. L. RIEU : I cannot say, but I believe the parties have a right of appeal.

Mr. J. C. SWAMINARAYAN : As the matter is now no longer sub-judice, will Government now give a reply ?

The Honourable Mr. J. L. RIEU : That question will be considered if the honourable member will send in a fresh question.

#### SECRETARY, HOME DEPARTMENT. AND TALEGAON HINDU DEPUTATION

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether it is a fact that Mr. J. Montcath, Secretary to Government, Home Department, asked the deputation of Talegaon Hindus with respect to the playing of music before the mosque, to wait on him ;

(b) whether it is a fact that he refused to see them when they attended his office at the Council Hall, Poona, on the 24th August 1927 ?

The Honourable Mr. J. L. RIEU : (a) Mr. Safai, who had asked for a personal interview, was informed that the Secretary, Home Department, would see him if he called at his office on August 24th.

(b) Apparently Mr. Safai called at some time when the Secretary was not in office. The Secretary did not refuse to see him.

#### BRIDGE OVER INDRAYANI NEAR KAMSHET STATION

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they are aware of the fact that a fatal accident occurred on 4th July 1927 at the Indrayani river crossing near the Kamshet railway station in the Poona District due to the increase of water level of the river owing to the construction of two tanks by the Tata Company on the tributaries of the river ;

(b) whether they intend to take any action to remove this difficulty of crossing the river ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.



## LIQUOR SHOPS, SATARA

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state the amount of money realised at the auction sale of the country liquor shops in Satara District, at which the ration this year is below 1,000 gallons, in March 1926 and March 1927 with the figures of rationed and actual sale quantities for 1925-26 and 1926-27 in London proof gallons and the names of the successful bidders at the two auctions ?

The Honourable Mr. G. B. PRADHAN : A statement furnishing the information required is placed on the Council table.

Serial No.	Name of shop			Ration in proof gallons		Actual sales in proof gallons	
				1925-26	1926-27	1925-26	1926-27
				L. P. Gal.	L. P. Gal.	L. P. Gal.	L. P. Gal.
1	2			3	4	5	6
1	Sadar Bazar	..	..	286	270	228	219
2	Machi	..	..	470	370	337	352
3	Shivthar	..	..	80	70	42	37
4	Wal	..	..	960	880	706	697
5	Lonand	..	..	549	500	385	323
6	Medha	..	..	244	225	225	219
7	Panchgani	..	..	719	670	638	644
8	Rahimatpur	..	..	185	160	114	153
9	Pimpode	..	..	162	140	99	64
10	Targaon	..	..	359	335	306	266
11	Dahiwadi	..	..	104	90	46	48
12	Mhaswad	..	..	109	95	88	56
13	Vaduj	..	..	179	160	120	88
14	Budh	..	..	70	60	44	56
15	Mayni	..	..	350	270	163	171
16	Kole	..	..	311	280	277	206
17	Masur	..	..	490	150	421	300
18	Shenoli	..	..	223	200	198	192
19	Patan	..	..	419	370	212	183
20	Morglri	..	..	115	100	62	57
21	Dhehewadi	..	..	201	265	209	228
22	Tarle	..	..	252	230	221	202
23	Islampur	..	..	800	750	652	614
24	Ashta	..	..	184	175	158	121
25	Shirala	..	..	225	200	167	141
26	Yata	..	..	275	260	240	225
27	Kadegaon	..	..	208	190	164	147
28	Khanapur	..	..	162	100	56	52
29	Tasgaon	..	..	426	400	354	281
30	Kokrud	..	..	288	288	192	155
31	Yelur	..	..	240	240	13	123

Names of the successful bidders			The amount of money realized at the auction sales of C. L.	
At the auction sale in February 1926			At the auction sale in Feb. 1926	At the auction sale in Feb. 1927
7	8		9	10
			Rs.	Rs.
M. N. Pesikaka .. ..	M. N. Pesikaka .. ..		2,850	2 100
C. C. Modi .. ..	C. C. Modi .. ..		3,325	4,400
Savtaram Sitaram Bajare ..	Savtaram Sitaram Bajare ..		650	200
Papamiya Kadarkhan ..	Papamiya Kadarkhan ..		4,300	5,100
K. S. Aspandiar Rustum Irani ..	K. S. Aspandiar Rustum Irani ..		7,000	5,600
Raghunath Mahadu Bharge ..	Raghunath Mahadu Bharge ..		3,750	3,725
K. S. Aspandiar Rustum Irani ..	K. S. Aspandiar Rustum Irani ..		6,325	8,100
Abdul Husen Dange .. ..	Abdul Husen Dange .. ..		2,225	1,800
Mahibubkhan Ahmedkhan Pathan ..	Mahibubkhan Ahmedkhan Pathan ..		1,925	1,100
Madhavrao Narayanrao Jadhav ..	Madhavrao Narayan Jadhav ..		3,100	3,500
Bapu Rao Bhosale .. ..	Jangibhai Balabhai .. ..		600	525
Jangibhai Balabhai .. ..	Jangibhai Balabhai .. ..		1,500	800
Rajhabhai Eknath Ghone ..	Keshavrao Gulabrao Dalwale ..		1,025	1,000
Laxman Bali Bhoite .. ..	Laxman Bali Bhoite .. ..		300	350
Manaji Dharmaji Ghone .. ..	Manaji Dharmaji Ghone ..		1,100	1,300
Anna Rama Gurav .. ..	Anna Rama Gurav .. ..		3,000	3,300
M. N. Pesikaka .. ..	M. N. Pesikaka .. ..		3,500	3,100
Annasaheb Bhausahab Mohite ..	Annasaheb Bhausahab Mohite ..		2,000	1,250
Bala Narayan Khatik .. ..	Bala Narayan Khatik .. ..		3,100	2,150
Bala Narayan Khatik .. ..	Dnyanu Ganu Sali .. ..		300	675
Nayku Tatya Janugde .. ..	Nayku Tatya Janugde .. ..		1,625	1,100
Pandurang Mahadu Palange ..	Pandurang Mahadu Palange ..		2,800	1,100
K. S. Yusuf Abdul Momin ..	K. S. Yusuf Abdul Momin ..		5,525	6,000
Mohomed Ismail Khatik .. ..	Mohomed Ismail Khatik .. ..		850	1,650
K. S. Yusuf Abdul Momin ..	K. S. Yusuf Abdul Momin ..		1,375	1,400
K. S. Yusuf Abdul Momin ..	K. S. Yusuf Abdul Momin ..		2,850	2,500
Shalkh Rahiman Bapu .. ..	Shalkh Rahiman Bapu .. ..		1,500	500
Nana Laxmansing Hazari .. ..	Nana Laxmansing Hazari ..		300	200
R. S. Rustumji .. ..	R. S. Rustumji .. ..		1,775	1,300
Radhabai kom Hari Nikam ..	Radhabai kom Hari Nikam ..		425	450
Shankar Govind Kadulkar ..	Shankar Govind Kadulkar ..		850	700

## CHIEF ENGINEER, SUKKUR BARRAGE : STAFF

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) what is the total number of clerks or other officials in the office of the Chief Engineer of the Sukkur Barrage scheme ;

(b) what was the organisation of the office before the appointment of the special Senior Superintendent ; what has been the nature of the reorganisation of the office effected by him since his appointment and what is the nature of the further reorganisation yet to be effected ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

## MIRPURKHAS-JHUDO FEEDER RAILWAY

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that the Mirpurkhas-Jhudo feeder railway is being managed by Messrs. Forbes ;

(b) when the contract period will terminate ;

(c) what is the paid-up amount of each share of the railway, and what is its market value to-day ;

(d) what are the passenger fares and freightage rates charged on the above railway and those charged on the N. W. Railway and the J. B. Railway ;

(e) whether they intend to take up the Mirpurkhas-Jhudo line under their direct management when the above contract period expires ?

The Honourable Mr. J. L. RIEU : (a) Yes, by Messrs. Forbes, Forbes, Campbell and Company.

(b) 31st December 1928.

(c) The paid-up amount of each share is Rs. 100 and the approximate market value per share is Rs. 141.

(d) The basis of passenger fares over the Jodhpur Railway is as follows :—

				Pies per mile
1st class	..	..	..	24
2nd class	..	..	..	12
Intermediate class	..	..	..	5
3rd class	..	..	..	4

The same fares are charged over the Mirpurkhas-Jhudo Railway, subject to the condition that a 50 per cent. enhancement of the actual mileage is taken for the purposes of charge levied.

The basis of passenger fares over the North Western Railway is as follows :—

1st class—				Pies per mile
First 300 miles	..	..	..	18
Any additional distance	..	..	..	12

	Pies per mile
<i>2nd class—</i>	
First 300 miles .. ..	9
Any additional distance .. ..	6
<i>Intermediate class—</i>	
First 50 miles .. ..	5
Any additional distance .. ..	4½
<i>3rd class—</i>	
First 50 miles .. ..	3½
Additional distance above 50 miles and up to 300 miles .. ..	3
Any additional distance above 300 miles .. ..	2

The freight rates on the North-Western and Jodhpur Railways vary considerably according to the commodity booked and the distance carried. In addition there are numerous special rates quoted between one station and another. It is not practicable to give, within the limits of this answer, detailed particulars, which can be ascertained from the Goods and Coaching Tariffs of the respective Railways. On the Mirpurkhas-Jhudo Railway a 50 per cent. enhancement of actual mileage is taken for levying the charges.

(e) The question relates to a Central subject, and the Local Government are not in a position to reply to it.

#### ROADS : EXPENDITURE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the amount spent directly from the provincial revenues on public roads in each district in the Presidency including Sind in each of the last ten years ;

(b) the amount of grant paid from the provincial revenues to each district local board in the Presidency including Sind in each of the last ten years for being spent on public roads ;

(c) the amount spent on public roads by each district local board in the Presidency including Sind in each of the last ten years ;

(d) the number of miles of provincial roads in each district in the Presidency including Sind and the proportion it bears to the total mileage in each district ?

The Honourable Sir GHULAM HUSAIN : The statements \* appended give the required information.

#### LAND REVENUE REMISSION. THAR AND PARKAR DISTRICT

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether American cotton and other crops in the Thar Parkar District have suffered greatly owing to locusts and other causes ;

(b) whether the price of cotton seeds this year is about 50 per cent. less than the price prevailing in the last few years ;

\* Kept in the Secretary's Office.

(c) whether in some places cultivators have had to mortgage their lands and other valuables to raise loans at high rates and to purchase bajri at the rate of Rs. 10 per maund and grass at the rate of Rs. 75 per 100 bundles and to pay specially high rates for clearance and seeds ;

(d) whether the landowners have applied to Government for a general remission of land revenue.

If the reply to (d) is in the affirmative—

(i) to state what action they have taken or propose to take on the application ;

(ii) to lay on the Council table a copy of the rules, if any, relating to the general remission of land revenue ?

The Honourable Mr. J. L. RIEU : (a) The crops in the Thar Parkar District in the season of 1926 suffered to the extent shown hereunder owing to locusts and other causes :—

*Name of crop and damage in annas*

Taluka	Sindhi cotton	American cotton	Rice	Bajri	Wheat and Gardens
Mirpurkhas .. ..	1 anna	1 anna	....	....	Slight.
Jamesabad .. ..	6 annas	6 annas	....	1 anna	3 to 4 annas.
Digri .. ..	8 annas	6 annas	....	....	12 annas.
Samaro .. ..	3 annas	3 annas	..	3 annas	....
Umarkot .. ..	4 annas	4 annas	$\frac{1}{2}$ anna	4 annas	8 annas.
K. Dipro .. ..	2 annas	4 annas	1 anna	3 annas	4 annas.
Sanghar .. ..	....	....	....	....	..
Mithl .. ..	....	....	....	8 annas	(Late crops.) sown
Chachro .. ..	....	....	....	4 annas	....
Diplo .. ..	....	....	....	6 annas	....
Nagar Parkar .. ..	....	....	....	4 annas	....

(b) It is a fact that cotton with seeds (phutis), to which, it is presumed, the Honourable Member's question refers, now fetches about 50 per cent. less than it did in the years of boom prices after the war. But if the question relates to cotton seeds only, then the present prices are only 25 per cent. less than those of the preceding year.

(c) In the Nara Valley Division some zamindars raised loans in this way. In the Mirpurkhas Division, where much of the land is held on restricted tenure and cotton is grown extensively, no cases of mortgaging land have been reported, but some zamindars who were unable to get loans from the Banks or Co-operative Societies are reported to have pawned their valuables in order to raise money for the purchase of grain and seed for their maintenance and for cultivation and grass for their cattle. During the year 1926, before the commencement of the kharif season, bajri and grass were selling at high rates : bajri at Rs. 6 to Rs. 8 per maund and grass at Rs. 50 to Rs. 75 per 100 bundles. The cost of these two commodities subsequently fell to about Rs. 4-4-0 per maund

and about Rs. 8 per 100 bundles respectively. The rates for clearance were not heavy as there was an influx of labourers from the Desert.

(d) (i) Certain zamindars from the talukas of Jamesabad, Digri and Samaro applied for general remission of the kharif assessment, but as the condition of the crops was not such as to justify it, no general remission was allowed. Remission in individual cases was however granted, and it amounted in the three talukas as under :—

<i>Kharif crops</i>				Rs.	a.	p.
Digri	..	..	..	3,651	12	0
Jamesabad	..	..	..	3,613	13	0
Samaro	..	..	..	10,215	4	0

<i>Rabi and Adhawa crops</i>						
			Rabi		Adhawa	
			Rs.	a.	p.	Rs. a. p.
Digri	..	19,650	2	0		523 11 0
Jamesabad	..	7,438	11	0		82 14 0
Samaro	..	1,756	5	0		....

(ii) The Honourable Member is referred to Circular No. 32 of the Commissioner in Sind's Special Circulars.

#### NORTHERN JAMRAO CANAL : MODULES

Mr. Jairamdas Doulatram (Eastern Sind): Will Government be pleased to state—

(a) which modules have been reduced on the Northern Jamrao Canal;

(b) which modules have been again widened after having been once reduced;

(c) the discharges of the reduced modules and the discharges of the widened modules referred to in paragraph (b) ?

The Honourable Sir COWASJI JEHangIR: The information has been called for.

#### ENGINEERING SERVICES : GUARANTEED POSTS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state what were the reasons which weighed with them in suspending in 1927 the orders issued by them in October 1925 with regard to the consideration of the relative claims of students competing for guaranteed posts in the Indian Service of Engineers and Bombay Engineering Services ?

The Honourable Sir COWASJI JEHangIR: In considering the relative claims of students competing for the guaranteed posts in the Indian Service of Engineers and the Bombay Service of Engineers it was laid down that 10 per cent. should be deducted from the final examination marks in the case of students who "drop" a year. These orders were to be brought into effect from the year 1926, but the actual Government

Resolution did not issue till October 1925 when one complete term for the year was over, by which time the students (known as "droppers") who should have gone up for the 1925 examination had made up their minds and arranged their studies in such a way as to appear for the 1926 examination. The students might justifiably have expected to be told of any changes Government might wish to make in the regulations before they committed themselves to any particular course, and it was pointed out by the Selection Committee that the orders of 1925, if applied from 1926, would operate harshly in the case of several students of the 1926 batch. It was therefore decided that the modified orders could not fairly be made applicable from that year. Moreover it was also found that had the orders been applied from the year 1926, there would have been no candidate eligible for appointment to the Indian Service of Engineers. Government accordingly directed that the orders should be made applicable from the year 1927.

#### P. W. D. STAFF : TRANSFER TO BARRAGE SERVICE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that they have under Fundamental Rule 13 suspended the lien of permanent clerks and accountants in the Public Works Department to their substantive posts in the department on their transfer to the Barrage service ;

(b) whether it is a fact that they have not suspended such lien in the case of higher officers employed in the Barrage service ;

(c) the number of officers of the S.D.O. grade who have been acting for more than two years in place of officers transferred to the Barrage service ;

(d) whether it is a fact that the pension rights of all acting officers are being prejudicially affected by the non-suspension of lien in the case of higher officers ;

(e) the reasons why Government took the step referred to in part (a) and the reasons why they have not taken the step referred to in part (b) ?

The Honourable Sir COWASJI JEHangIR : The information is being called for.

#### ROADS ON JAMRAO CANAL BANKS . MOTOR TRAFFIC

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that motor roads on the inspection paths of the Jamrao Canal have recently been repaired by removing earth from canal bunds which have thus been weakened ;

(b) whether it is a fact that there are motor roads on both sides of the canal ;

(c) whether it is a fact that under the orders of the engineering authorities the use of these roads is not open to private motor cars ;



(d) whether it is a fact that private motor traffic on these roads is not at all likely to be great ;

(e) what are the objections to throwing open these roads to private motor traffic ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### SERVICE ROADS, JAMRAO CANAL : WHEELED TRAFFIC

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that there are what are called " Service roads " on both sides of the Jamrao Canal and its minor distributaries ;

(b) whether it is a fact that these roads have been used for the last 26 years by the public for wheeled traffic ;

(c) whether it is a fact that orders have recently been issued prohibiting the public from using them ;

(d) how much has been spent by Government on the construction or repair of such roads during the last five years ;

(e) what is the purpose of these service roads ;

(f) whether it is a fact that sometimes the only road available to zamindars to bring their farm produce from the farm to their *deh* village is the service road and by prohibiting the public from using these roads the engineering authorities have seriously inconvenienced the zamindars ;

(g) whether they have any objection to the issue of orders throwing open these roads for public use as has been the custom hitherto ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### DISTRICT LOCAL BOARD, SIND : APPOINTMENTS OF MUSLIMS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased—

(a) to state which district local boards in Sind have passed resolutions laying down a fixed percentage of appointments to be filled by Muslims ;

(b) to place on the Council table copies of all resolutions relating to the above matters passed by the district local boards ;

(c) to state which district local boards have passed resolutions ordering that services of Hindu employees including sub-overseers and pound munshis who have been acting for any length of years should be dispensed with to make room for Muslims ;

(d) to state the names of Hindu employees discharged under the above resolutions, the period of their service on the date of discharge, the monthly salary drawn by each of them on such date and the post occupied by them when discharged ;

(e) to state the names of Muslims employed in their place, their qualifications, the monthly salary on which each was made to start and the post to which each was appointed ?

The Honourable Sir GHULAM HUSSAIN : (a), (b) and (c) The resolution passed by the District Local Board of Karachi and letter

No. 873, dated 23rd July 1927, from the President, District Local Board, Hyderabad, are laid on the Council Table.\*

(d) and (e) Statement\* attached.

#### GOVERNMENT HIGH SCHOOL, HYDERABAD : ADMISSIONS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that an entrance examination is held every year for the admission of boys to the 1st Standard of the Government High School, Hyderabad (Sind), and that the original purpose of the examination was that boys should be admitted in the order of their rank in the examination ;

(b) the number of boys and the marks obtained by them at the above examination who though higher in order of rank were not admitted in 1926 and 1927 because they were Hindus ;

(c) the number of Muslim boys admitted out of the order of their rank in the examination and the number of Hindu boys above each of them in order of rank who were refused admission ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) 26 Hindu boys in 1926. Their marks are given in the accompanying statement. \*

None in 1927.

(c) 26 Muhammadan boys in 1926. The 26 Hindu boys mentioned in the answer to clause (b) were above each of these 26 Muhammadan boys in order of rank

None in 1927.

#### HEADMASTERS : PRIMARY SCHOOL, TANDO HYDER

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that one Mahomed Hasan was until recently the headmaster of the primary school in Tando Hyder in Hyderabad district for a period of about 12 years ;

(b) whether it is a fact that he was transferred from the village by the Educational Department on complaints being made that he was fomenting Hindu-Muslim tension in the village ;

(c) whether it is a fact that after the transfer of control he got himself re-transferred to the above school ;

(d) whether it is a fact that the panchayat of the village protested against the re-transfer owing to the religious fanaticism of Mr. Mahomed Hasan ;

(e) whether it is a fact that Mr. Miran Mahomed Shah, the chairman of the district school board, told some of the representatives of the panchayat that he would send away the teacher within six months ;

(f) the dates on which Mr. Mahomed Hasan was transferred by the Educational Department from the Tando Hyder school, retransferred to that school by the district school board and finally sent to Hoori on account of fresh complaints by the panchayat of Tando Hyder ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes, but served for a period of 7 years 9 months and 8 days only and not for about 12 years ;

(b) Yes.

(c) After the transfer of control, he was re-transferred to the school in the interests of the school.

(d) No.

(e) No.

(f) Transferred on 5th July 1926. Retr transferred to the School by the District Local Board on 28th October 1926 and finally sent on the 25th June 1927 to Hatri (not Hoosri) on account of quarrels and ill-will among the teaching staff and not owing to any complaint from the Panchayat.

#### HEADMASTER, PRIMARY SCHOOL, TANDO HYDER

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that complaints were made against Mr. Mahomed Hasan, headmaster of the primary school in Tando Hyder, that while teaching in the class he used to contrast Hindu and Muslim religions and praise the latter and decry the former ;

(b) whether it is a fact that the chairman of the district school board ordered inquiries to be made into the complaints made against the headmaster ;

(c) whether it is a fact that as a result of the inquiries the headmaster was transferred to another village ;

(d) whether it is a fact that at the same time the two Hindu assistant teachers were also ordered to be transferred ;

(e) on whose complaint were the two assistant teachers transferred and how many days before the inquiries referred to in clause (b) was this complaint made ;

(f) whether it is a fact that the two new assistant teachers who have been ordered to take their place in the Tando Hyder school do not possess a good record ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Complaints of this nature were made.

(b) No.

(c) No.

(d) and (e) All the teachers were transferred on account of quarrels and ill-will amongst themselves and not owing to any complaints against Mahomed Hasan in particular.

(f) The assistant teachers have worked satisfactorily and are doing good work under the Hindu headmaster of Tando Hyder.

#### CANALS IN SIND : SILT CLEARANCE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the amount spent on the silt clearance of canals in the Guni taluka of the Hyderabad district during the five years from 1900-1901 to 1904-1905 and the five years from 1920-21 to 1924-25 ;

(b) the amount spent on the silt clearance of canals in each district in Sind during the five years from 1900-01 to 1904-05 and the five years from 1920-21 to 1924-25 ?

The Honourable Sir COWASJI JEHangIR : (a) The information for the years 1900-01 to 1904-05 is not available as the records for that period have been destroyed. That for the years 1920-21 to 1924-25 is as under :—

				Rs.
1920-21	..	..	..	22,509
1921-22	..	..	..	30,825
1922-23	..	..	..	40,858
1923-24	..	..	..	31,544
1924-25	..	..	..	36,094

(b) The information is given in the accompanying statement.

*Statement showing the amount spent on silt clearance of canals in each Division in Sind during the five years from 1900-01 to 1904-05 and the five years from 1920-21 to 1924-25*

Name of Division	1900-01	1901-02	1902-03	1903-04	1904-05
	Rs.	Rs.	Rs.	Rs.	Rs.
Hyderabad Canals Division	53,769	55,315	55,945	81,345	85,397
Fuleli Canals Division	No information available as the records have been destroyed.				
Eastern Nara Division		Do.		do.	
Nasrat Canals Division		Do.		do.	
Northern Jamrao Canal Division		Do.		do.	
Southern Jamrao Canal Division		Do.		do.	
Karachi Canals Division	..	Do.		do.	
Western Nara Division	..	Do.		do.	
Ghar Canals Division	..	Do.		do.	
Shikarpur Canals Division	..	Do.		do.	
Begari Canals Division	..	Do.		do.	

Name of Division	1920-21	1921-22	1922-23	1923-24	1924-25
	Rs.	Rs.	Rs.	Rs.	Rs.
Hyderabad Canals Division	55,258	39,685	1,02,250	48,777	67,530
Fuleli Canals Division	1,04,458	1,20,500	1,25,103	63,694	1,16,673
Eastern Nara Division	20,679	38,725	8,376	5,262	33,388
Nasrat Canals Division	40,201	81,408	82,872	1,01,282	1,20,790
Northern Jamrao Canal Division	5,573	14,832	3,428	2,410	9,026
Southern Jamrao Canal Division	8,247	8,078	7,982	6,577	11,558
Karachi Canals Division	45,929	89,284	76,849	1,23,728	1,15,894
Western Nara Division	56,395	1,71,086	1,02,115	3,06,639	1,19,418
Ghar Canals Division	10,327	1,17,743	24,793	1,35,360	64,976
Shikarpur Canals Division	1,28,242	76,493	82,011	20,324	1,33,163
Begari Canals Division	92,694	2,29,467	Not available.*	1,00,750	2,56,465

\* Note.—The register of works has been destroyed by fire.

PUBLIC WORKS DEPARTMENT, RUNNING DIVISIONS, SIND :  
TEMPORARY STAFF

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that the temporary establishment in the existing Running Divisions of the Public Works Department in Sind is treated differently from the permanent establishment in the matter of leave and other privileges ;

(b) if so, what are in brief the points of difference ;

(c) whether it is a fact that no service books are maintained for the temporary establishment ;

(d) if so, what are the reasons for not maintaining them ;

(e) whether it is a fact that no seniority list of the temporary clerical establishment employed in the Running Divisions of the Public Works Department in Sind is maintained at present ;

(f) what principles are followed in transferring employees from the temporary to the permanent establishment ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) (1) Permanent Government servants are granted leave in terms of average pay to the extent of 2/11ths of the period spent on duty, subject to the following maxima at a time :—

(a) 4 months on full average pay without medical certificate.

(b) 8 months on full average pay on medical certificate.

(c) The (a) or (b) above can be combined with leave on half average pay without medical certificate to the maximum combined period of 28 months.

(d) The (c) above can be further extended by leave on 1/4th average pay on medical certificate to the maximum combined period of 5 years, whereas temporary men are allowed leave on average pay to the extent of 1/11th of their duty period subject to a maximum of 4 months leave on half average pay on medical certificate up to 3 months, and extraordinary leave up to 3 months at a time.

(2) A temporary or officiating Government servant is paid full average pay, if no substitute is required for him, otherwise he is paid the balance, i.e., his pay *minus* the pay of his substitute. No such condition is laid down in the case of permanent men, any substitute being paid by Government.

(3) Permanent Government servants are entitled to pension, whereas temporary men are not eligible for it. The services of the latter are terminable by one month's notice.

(c) Yes.

(d) Service books are maintained for those employees who hold substantive appointments and are eligible for pension, but as temporary employees are ordinarily not entitled to any pension, service books are not maintained for them.

(e) Yes.

(f) Temporary employees are transferred to the permanent establishment if they are qualified and are considered suitable for such transfers and if there are vacancies for them.

## DAMBAL TANK

Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(a) whether the Dambal tank in Mundargi Petha of the Dharwar district was classed as a first class irrigation tank at any time ;

(b) whether it has been proposed to convert it into an inferior or second class irrigation tank ;

(c) if the answer to (b) is in the affirmative, whether Government have consulted public opinion or local opinion regarding the proposed change ;

(d) whether it is a fact that fifty thousand rupees have been allotted for the repairs of the said tank ;

(e) if so, when was the allotment made ;

(f) whether the sum has been spent ;

(g) if not, when it is going to be spent ;

(h) what is the annual irrigation revenue from the said tank ;

(i) what are its annual maintenance charges ;

(j) when was the tank built and at what expense ;

(k) how many acres of land are under irrigation from the water of the said tank ?

The Honourable Sir COWASJI JEHangIR : The Honourable Member is referred to the reply given to Honourable Member Rao Bahadur S. T. Kamblī's question regarding the Dambal tank.

## REGISTRATION DEPARTMENT : DEFECTS OF PHOTO-COPYING

Mr. S. C. JOSHI : Will Government be pleased to state—

(a) whether all photo copies in the Bombay Sub-Registry office are distinct and readable to the naked eye ;

(b) how many copies there are in which correction in ink for portion not photographed has become necessary during the last year ;

(c) whether it is a fact that many signatures had to be copied on the photo copies owing to indistinct impressions ;

(d) whether it is a fact that the photo copies are required to be compared with the original documents ?

The Honourable Mr. G. B. PRADHAN : (a) Yes. Since 1st April 1926 the size has been increased.

(b) and (c) The Honourable Member is referred to the reply to the question asked by Dr. M. K. Dixit which is printed at page 1492 of the Bombay Legislative Council Debates, 1927, Volume XX, Part XVIII, Government are not prepared to order the collection of further details regarding similar omissions.

(d) No comparing in the ordinary sense of the term is required in photography : but every photo copy is checked to see that all words have been properly reproduced.

## DAMBAL TANK

Mr. V. N. JOG on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether the Dambal tank was a first class irrigation tank at any time ;

(b) whether it has been proposed to be converted into an inferior or second class irrigation tank ;

(c) if the answer to (b) is in the affirmative, whether Government has consulted public opinion or local opinion regarding the proposed change ;

(d) whether it is a fact that fifty thousand rupees have been allotted for the repairs of the said tank ;

(e) if so, when was the said allotment made ;

(f) whether the sum has been spent ;

(g) if not, when it is going to be spent ;

(h) what is the annual irrigation revenue from the said tank ;

(i) what are its annual maintenance charges ;

(j) when was the tank built and at what expense ;

(k) how many acres of land are under irrigation from the water of the said tank ?

The Honourable Sir COWASJI JEHangIR : (a), (b) and (c) Yes, a notification declaring the intention of Government to notify the Dambal tank as a second class irrigation work was issued in 1926. Further proceedings with regard to the tank are however being dropped and it will continue to remain as a 1st class tank as before.

(d) No. The current year's grant for repairs to the tank is Rs. 200.

(e), (f) and (g) Do not arise.

(h) The net revenue from the tank for the year 1925-26 was Rs. 3,304, the average for three years being Rs. 1,589.

(i) The total working expenses for the year 1925-26 were Rs. 805, the average for three years being Rs. 1,034.

(j) The tank was completed in the year 1885-86 at a cost of Rs. 63,980.

(k) About 700 acres were irrigated by the tank during the year 1925-26. The average for three years was 534 acres.

## FAMINE, NAVALGUND AND RON TALUKAS AND NARGUND PETHA

Mr. V. N. JOG on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District): Will Government be pleased to state—

(a) whether they are aware of the fact that Navalgund Taluka, Ron Taluka and Nargund Petha are famine stricken this year ;

(b) if so, what steps they intend to take in the matter of affording relief to the above famine stricken areas ?

The Honourable Mr. J. L. RIEU : (a) Owing to the partial failure of the rains last year scarcity conditions have been in existence in this tract.

(b) Doles are being paid to inferior village servants who have no cash remuneration and whose crops have failed, and an extension of the Public Works Department programme of road construction and repairs has been undertaken to provide employment.

## FODDER DEPÔT, KARAJGI

Mr. V. N. JOG on behalf of Rao Bahadur S. T. KAMBI (Dharwar District): Will Government be pleased to state—

(a) the annual cost of maintaining the fodder depôt at Karajgi in the Dharwar district;

(b) the use that was made of that depôt by the ryots in 1925-26 and in 1926-27?

The Honourable Mr. J. L. RIEU: (a) The actual expenditure incurred during the years 1925 and 1926 was as follows:—

					Rs.
1925	..	..	..	..	8,282
1926	..	..	..	..	22,427

(b) No kadbi was purchased from the depôt by the ryots during these years.

Mr. V. N. JOG: Are the figures given in (a) inclusive of the purchases of Kadbi?

The Honourable Mr. J. L. RIEU: Yes.

Mr. V. N. JOG: Do Government think of continuing the depôt?

The Honourable Mr. J. L. RIEU: The matter is under consideration. I cannot give a definite reply.

Mr. P. R. CHIKODI: What is the reason of the large increase of expenditure of Rs. 14,000 in 1926 over expenditure in 1925?

The Honourable Mr. J. L. RIEU: I think much larger quantities of kadbi were purchased in the latter year.

Mr. P. R. CHIKODI: The question asked for the cost of the *maintenance* of the fodder depôt and did not refer to the purchases of kadbi.

The Honourable Mr. J. L. RIEU: The honourable member who addressed the question should have made that clear.

## ROADS ACROSS THE GHATS IN KANARA

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state whether they are aware that the forest trees on the sides of the roads across the ghats in Kanara cause land-slips and also damage to the roads?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

## YELLAPUR-HALIYAL ROAD

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state—

(a) the amount allotted for and spent on the road from Yellapur to Haliyal in each of the years of the last triennial period;

(b) whether any part of it was spent for clearing and digging single and double gutters on that road in each of those years; if so, how much;

(c) whether it is a fact that the gutters on that road look in most part of it like the gutters of an abandoned road;



(d) whether they are aware that motor services have been opened between Belgaum and Karwar over that road ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

#### ENTERTAINMENT TAX PROCEEDS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(a) the income from the entertainment tax from 1st February 1923 (the date of its coming into force) till the end of March 1927 ;

(b) how the said proceeds were applied by Government ?

The Honourable Sir CHUNILAL MEHTA : (a) The total income from the Entertainment Tax from its inception till the close of the year 1926-27 is Rs 35,65,000.

(b) The proceeds were merged in general revenues but they have been regarded as available only for the purposes of increased expenditure on primary education.

Khan Saheb A. M. MANSURI : May I know from the Honourable the Finance Member whether it is shown in the budget that this amount is to be used for purposes of primary education ?

The Honourable Sir CHUNILAL MEHTA : I am afraid the honourable member will find that it is shown in the budget as merged in the general revenues, but it has been used for additional expenditure on primary education.

Mr. G. I. PATEL : Has the whole amount been used for the purpose, or a part of it ? What is the meaning of "they have been regarded as available only for the purposes of increased expenditure on primary education" ? Has the whole amount been actually used or a part of it only ?

The Honourable Sir CHUNILAL MEHTA : I should think it has all been used.

Mr. G. I. PATEL : For expenditure on primary education ?

The Honourable Sir CHUNILAL MEHTA : Yes.

#### B. B. AND C. I. RAILWAY : RESTAURANT CARS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(a) whether they are aware that dining and refreshment cars for Indians are attached only to a few trains on the B. B. and C. I. Railway ;

(b) whether they are aware that the present arrangements mentioned above do not give sufficient facilities to the passengers ;

(c) what steps they propose to take in the matter ?

The Honourable Mr. J. L. RIEU : (a) Government are informed that no dining cars specially provided for Indians are now running on the B. B. and C. I. Railway. They were given an extended trial on several sections of the Railway, but the experiment proved a failure as the cars were not patronized or appreciated by the public. Practically the only

food asked for was light refreshments, which are already available at the principal stations on the Railway. The catering facilities at stations are generally speaking satisfactory and adequate. The continuance of such special dining cars would not therefore be justified.

(b) No. Government are informed that travelling caterers for Hindu and Mahomedan passengers now travel on certain trains and are fairly well patronized. The Railway authorities are constantly improving the catering facilities by providing additional refreshment rooms and stalls.

(c) In the circumstances no action is considered necessary.

#### REVENUE DEPARTMENT : EMPLOYMENT OF UNQUALIFIED CANDIDATES

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state whether it is a fact that Government Resolution No. 1144, Revenue Department, dated 8th November 1926, which gives the power to Collectors and Commissioners to employ in special circumstances unqualified candidates in the subordinate revenue service in the Bombay Presidency excluding Bombay City and Sind is meant for Bhangis and Dheds and not for other backward classes such as Muhammadans and others ?

The Honourable Mr. J. L. RIEU : No.

#### BLIND RELIEF ASSOCIATIONS : CONTRIBUTIONS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that in the district of Thar Parkar the condition of the zamindars is very bad on account of the losses caused by locusts and the failure of the cotton crop owing to shortage of water and that several appeals have been made to the Government for remission ;

(b) whether it is a fact that those people who cannot afford to pay in cash on account of the bad harvest are forced to transfer their lands to the Blind Relief Association ;

(c) what steps they have taken to return such lands to the owners or what steps do they propose to take ?

The Honourable Mr. J. L. RIEU : (a) Some zamindars suffered losses on account of locusts, and the past year on the whole was not a good one. Applications for remission of land revenue were treated with special consideration.

(b) No.

(c) Does not arise.

#### GHAR CANAL CUT

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that a new cut was excavated from the Indus to the Ghar Canal, and if so, what the expenditure on it was ;

(b) whether it is a fact that the zamindars petitioned them to excavate a cut from Arab Dhoro instead of the new cut and that no attention was paid to the petitions ;

- (c) whether it is a fact that the new cut was a failure ;
- (d) whether it is a fact that now they are excavating a cut from Arab Dhoro for which the zamindars had petitioned them before ;
- (e) what the expenditure on the Arab Dhoro cut will be ;
- (f) who is responsible for this double expenditure and what steps they propose to take in the matter ?

The Honourable Sir COWASJI JEHangIR : (a) An expenditure of Rs. 1,07,791 was incurred on excavation of a feeder to the Ghar Dhand in 1925-26.

(b) The zamindars complained to the local officers in 1925 that the new head proposed for the Ghar was not suitable and advanced alternative proposals. Thereupon all the dhands and dhoro were inspected by the local officers along with the zamindars, who came to the conclusion that the alignment of the feeder selected by the local officers was the best.

(c) and (d) It was never contemplated or intended that the feeder of 1925-26 should be adhered to in future as the permanent source of supply to the Ghar and Nasrat Canals. The feeder was only a makeshift to meet exceptionally unfavourable circumstances, continuance of which was most improbable. At the beginning of the season, however, it silted heavily and did not carry its designed discharge and owing to the entire change in the course of the river the Arab Dhoro has been made a source of supply to the Ghar Dhand.

(e) The cost of clearance in the Arab Dhoro is estimated at Rs. 2,25,273.

(f) There has been no waste of double expenditure.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : It is stated that in incurring the expenditure of Rs. 1,07,791, it was never contemplated that the feeder of 1925-26 should be adhered to in future as the permanent source of supply to the Ghar and Nasrat Canals. May I know for how many years it was intended to last?

The Honourable Sir COWASJI JEHangIR: The answer is given in (c) and (d), that, as the case was an urgent one, the money had to be expended. It was not intended that the work should be of a permanent character.

Mr. HAJI MIR MAHOMED BALOCH: It is stated that the expenditure of Rs.1,07,791 was for a work of temporary character. How many years was it intended to last? One year, two years, or three years, or what ?

The Honourable Sir COWASJI JEHangIR : I presume the expenditure was incurred to last as long as it would. When it was found that the temporary measures taken did not come up to the expectations of the officers, further expenditure had to be incurred immediately, or within a year.

Mr. H. B. SHIVDASANI : For how many years, did this give service?

The Honourable Sir COWASJI JEHangIR: The answer is there in (c) and (d).

Dr. M. K. DIXIT : How long after the excavation did the channel silt up ?

The Honourable Sir COWASJI JEHangIR: At the beginning of the season it silted up. The answer is given there.

Dr. M. K. DIXIT : Am I to understand that it silted up after a few months ?

The Honourable Sir COWASJI JEHangIR : It may be after a few months, or a little more than a few months. It says at the beginning of the season.

Dr. M. K. DIXIT : Within less than a year ?

The Honourable Sir COWASJI JEHangIR : I presume so.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : May we take it that this expenditure has been a waste ?

The Honourable Sir COWASJI JEHangIR : It cannot be said to be a waste. If the river does change its course sometimes, such expenditure does not yield the return that one expected.

Mr. H. J. AMIN : May I know whether the engineers considered the advisability of going in for the cut from Arab Dhoro instead of the cut from Ghar canal in preference to the latter ?

The Honourable Sir COWASJI JEHangIR : There is no comparison between the Arab Dhoro and the Ghar canal.

Mr. H. B. SHIVDASANI : Was the silting due to any defect in the design ?

The Honourable Sir COWASJI JEHangIR : I am afraid I cannot answer that question straight off. It was a question as to where this head should be. At first it was decided as explained in the answer that the head should be at a certain place. When that head failed, the head was taken to the Arab Dhoro.

Mr. P. R. CHIKODI : Did not Government examine it before it was undertaken ?

The Honourable Sir COWASJI JEHangIR : They did.

Mr. P. R. CHIKODI : By whom was it sanctioned ?

The Honourable Sir COWASJI JEHangIR : By Government.

Mr. G. I. PATEL : Who is responsible for this loss ?

The Honourable Sir COWASJI JEHangIR : The whole of the circumstances are explained in the answer.

Mr. H. B. SHIVDASANI : Has any enquiry been made to ascertain who is responsible for it ?

The Honourable Sir COWASJI JEHangIR : Government have seen all the papers on the question.

Mr. G. I. PATEL : What is the name of the officer who is primarily responsible for it ?

The Honourable Sir COWASJI JEHangIR : There is no officer primarily responsible.

Mr. G. I. PATEL : Is there anybody secondarily responsible ?

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Do Government spend money on makeshift arrangements ?

The Honourable Sir COWASJI JEHangIR : If the honourable member was acquainted with Sind, he would realise that these makeshift

arrangements sometimes cost a lot of money, and that they are in the interest of Government and the zamindar.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Do they go in for these makeshift arrangements knowing them to be so, because they say they never intended it to be permanent ?

The Honourable Sir COWASJI JEHangIR : Yes.

Mr. HAJI MIR MAHOMED BALOCH : In answer to (e) it is stated that the cost of clearance in the Arab Dhoro is estimated at Rs. 2,25,273. Is that going to be a permanent arrangement ?

The Honourable Sir COWASJI JEHangIR : I am afraid I cannot answer that question.

Mr. HAJI MIR MAHOMED BALOCH : Is there no possibility of its being a failure ?

The Honourable Sir COWASJI JEHangIR : My latest information is that the Arab Dhoro was flowing on the 8th of October.

Mr. HAJI MIR MAHOMED BALOCH : Can they say for how many years it will be effective ?

The Honourable Sir COWASJI JEHangIR : The engineers were of opinion that since the first head failed, the next best place was the Arab Dhoro.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Is this a makeshift or a permanent arrangement ?

The Honourable Sir COWASJI JEHangIR : It depends upon the river.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : What do Government consider, as they have spent the money ?

The Honourable Sir COWASJI JEHangIR : If the honourable member was acquainted with the river Indus, he would know that these things do happen.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : What do Government consider ? Do they consider it permanent, or a makeshift ?

The Honourable Sir COWASJI JEHangIR : I would ask the honourable member to ascertain that from the river Indus.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I protest strongly against such replies. My question was a simple one, whether Government consider it to be permanent or only a makeshift.

The Honourable the PRESIDENT : I think that there is some sort of misunderstanding on both sides. I understand that honourable members are very anxious to pin the Honourable the General Member down to some particular statement while the Honourable the General Member has been trying to make the honourable members understand that in the case of these canals where the Indus is concerned nobody can foretell the future.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : In the first place they say that it was not contemplated to be permanent. I want

to know whether this expenditure of two lakhs was incurred as a permanent or makeshift arrangement ?

The Honourable Sir COWASJI JEHangIR : The honourable member seems to protest about something which does not exist. I referred him to the river Indus. I can only say again that it will depend upon the river.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : How Government have considered it ?

The Honourable Sir COWASJI JEHangIR : If Government could control the Indus they will be in a position to say whether it is permanent or makeshift.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : How do Government consider it ?

The Honourable Sir COWASJI JEHangIR : I am unable to explain a matter which the honourable member cannot understand.

The Honourable the PRESIDENT : Order, order. The honourable member Mr. Swaminarayan. Will he resume his seat ? When I call to order, honourable members must resume their seats. Honourable members cannot but hear when I call to order.

In the reply in one place it is specifically explained that the expenditure Rs. 1,07,700 odd was not intended to be of a permanent nature. The honourable member wants to know, whether the next item of two lakhs was intended also to be of that nature or permanent.

The Honourable Sir COWASJI JEHangIR : I have answered the honourable member's question that it will depend upon the river Indus whether it is a permanent measure or a makeshift measure.

Mr. J. C. SWAMINARAYAN : Is the establishment in Sind makeshift also ?

The Honourable Sir COWASJI JEHangIR : No.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : What is now the intention of Government—whether they have considered it permanent or makeshift ?

Mr. H. B. SHIVDASANI : On what grounds Government sanctioned the expenditure ?

The Honourable Sir COWASJI JEHangIR : Government realised that the expenditure was necessary and that it will depend on the river whether this head will be a failure or a success.

The THAKOR of KERWADA : May I know whether the engineer in charge was not competent enough to submit to Government a definite scheme rather than spending money in this haphazard way ?

The Honourable Sir COWASJI JEHangIR : The engineers stated that Arab Dhoro head would be successful.

Mr. R. S. ASAVALE : Do Government desire the honourable member Mr. Hooseinbhoys to go to Indus personally ?

## GHAR CANAL, SIND : NEW CUT IN INDUS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that a new cut was made in the Indus in 1926 to supply more water to the Ghar Canal at the cost of about Rs. 60,000 ;

(b) whether it is a fact that that new cut was objected to by the zamindars and public of the vicinity as it was on a lower level than the Ghar Canal ;

(c) whether it is a fact that the zamindars and public suggested having a cut in the Indus at Arab Dhoro which is on a higher level ;

(d) whether it is a fact that the objected cut in the Indus has proved a failure ;

(e) whether it is a fact that another new cut was made at Arab Dhoro in 1927 at the cost of about Rs. 60,000 ;

(f) what were the special reasons for rejecting the advice of the zamindars and the public to make a new cut at Arab Dhoro at the first time ;

(g) who was the officer responsible for this double expense for this double cut ;

(h) what action Government has taken or proposes to take in the matter ?

The Honourable Sir COWASJI JEHANJIR : The Honourable Member is referred to the reply given to his question above about Ghar Canal Cut.

## LLOYD BARRAGE : LAND ASSESSMENT AND WATER SUPPLY

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state whether the Lloyd Barrage and Canals Construction Department will invite the opinion of the zamindars on the question of land assessment and water supply distribution or proceed independently on the lines indicated in Mr. A. A. Musto's book ?

The Honourable Mr. J. L. RIEU : It may be pointed out that the rates of assessment detailed in Mr. Musto's pamphlet "The future of Sind" are merely estimates and not sanctioned rates. Each taluka which is to be commanded by the Barrage will be resettled, and in accordance with the usual practice the Settlement Officer will consult the zamindars in the course of his enquiries. When his proposals are complete, they will be published in the prescribed form and objections invited.

Government can give no undertaking to consult the zamindars in the matter of the distribution of the water.

Mr. Haji Mir Mahomed BALOCH : Why the zamindars will not be consulted with regard to the distribution of water ?

The Honourable Mr. J. L. RIEU : I refer the honourable member to the Honourable the General Member.

The Honourable Sir COWASJI JEHANJIR : I presume the honourable member is referring to duties when he talks about distribution of water. There can be nothing else. In a new canal, before it is constructed

the distribution of water depends upon the duties that have been settled. The duties settled in the case of the Barrage are all in the project and we trust that those duties will stand.

Mr. H. B. SHIVDASANI : When the canal is going how the quantity will be distributed ?

The Honourable Sir COWASJI JEHangIR : That will depend upon the duties. The duties have been fixed in the project, that is, the number of acres that will be cultivated per *cus. c.* That has been fixed and is in the project report.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : The question is : whether Government will invite the opinion of the zamindars on the question of assessment and water supply distribution. The answer is : Government can give no undertaking to consult the zamindars in the matter of the distribution of water. How do we know what Government intend by that ?

The Honourable Sir COWASJI JEHangIR : I have already informed the honourable member that the duties have been settled in the project and that Government have no intention of consulting the zamindars.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : There is nothing about the duties ?

The Honourable Sir COWASJI JEHangIR : My honourable friend cannot understand the meaning of duties. This has been settled by the Project report.

#### BARRAGE LANDS : CROP AREAS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state ---

(a) the annual intensity of cultivation during the last three years of each crop on the (Upper Nurwah) South Eastern Perennial Canal ;

(b) how much area has been provided for each crop by the Barrage Department on the South Eastern Perennial Canal ;

(c) what is the size of the sluices in existence on all the big canals and small *karias* *ex-river* bund from Sukkur to Sehwan and what will be the size of sluices which the Barrage Department will provide in the new canals, *i.e.* South Eastern Perennial Canal and Rice Canal ?

The Honourable Mr. J. L. RIEU : (a) A statement \* giving the required information is placed on the Council table.

(b) and (c) The Honourable Member is referred to the Honourable the General Member for information regarding these clauses of his question.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I ask the Honourable the General Member to reply ?

The Honourable Sir COWASJI JEHangIR : I must have notice.



## N. J. HIGH SCHOOL : ADMISSION FOR MUSLIM STUDENTS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) whether they are aware that the steps taken by them to confine the N. J. High School to one class of each standard of Gujarati and Sindhi has resulted in a large number of Mussalman students not getting admission in any A.-V. School in Karachi, owing to congestion in the Sind Madressah and Karachi Academy;

(b) whether they are aware that the Sind Madressah-Tul-Islam has no sufficient accommodation to admit the increasingly large number of Muslim students who are passing from the vernacular fourth standard;

(c) whether they intend to increase the percentage of admission for Muslim students in N. J. High School, and to see that Muslim students are admitted in Sindhi and Gujarati classes to the proportion of their population and given their due share of free studentships?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) No Muslim boys were refused admission to the Sind Madressah. The Karachi Academy refused admission to 10 Muslim boys only. Probably these boys have joined elsewhere as no complaint has reached the Educational Inspector in Sind so far.

(b) No Muslim boy has so far been refused admission to the Sind Madressah, Karachi. Efforts are being made to provide more accommodation by transferring the vernacular branches—Sindhi and Urdu—to the Karachi Municipality.

(c) The number of Muslim students seeking admission to the N. J. High School is far below the number already fixed for them. The question of raising the percentage of admission for Muslim students does not therefore arise.

## BHAGAR (BAGHAR ?) CANAL CONTRACTORS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the name of the first contractor of the Bhagar (Baghar ?) Canal;

(b) the name of the second contractor after the death of the first contractor;

(c) whether fresh tenders were invited when the contract was given to the second contractor;

(d) if the reply to (c) is in the negative, the reasons for the same;

(e) whether it is a fact that the second contractor is an approved contractor, and, if so, his previous experience in the line;

(f) in how many stages the payments were made with their respective dates?

The Honourable Sir COWASJI JEHangIR: The information has been called for.

## TELANG HIGH SCHOOL LIBRARY, GODHRA : NEWSPAPERS

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state—

(a) whether they have prohibited the *Bombay Chronicle* from the Telang High School Boys' Library at Godhra in Panch Mahals;

(b) if the *Bombay Chronicle* is not prohibited, what newspapers they have prohibited from the school library at Godhra ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) It has been left to the discretion of the heads of schools and colleges to decide what papers should be admitted to their libraries. The *Bombay Chronicle* has not been subscribed for by the Boys' Library of the Telang High School, Godhra, because the question of taking this paper has never arisen.

Mr. H. J. AMIN : Does it mean that the heads of schools and colleges are independent ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Mr. H. J. AMIN : Do not Government interfere with their selection ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They generally do not.

Mr. H. J. AMIN : Have they not ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I will require notice of that question ; I will require time to go into the past.

#### SPECIAL MINIMUM BALANCE FOR DISTRICT LOCAL BOARDS

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) the authority under which they have prescribed a special minimum balance for district local boards by their executive orders in spite of the clear provision made in section 89 (1) (a) of the Local Boards Act, 1923 ;

(b) whether they are aware that under the said executive orders the District Local Board, Surat, has been obliged to maintain a minimum balance of Rs. 60,000 while under the Act it will have to maintain Rs. 6,600 only ;

(c) if the reply to (b) is in the affirmative, whether in view of the straitened financial condition of the District Local Board, Surat, they intend to withdraw the said orders ?

The Honourable Sir GHULAM HUSSAIN (a) The instructions regarding the minimum balances have been issued not under any provisions of the Bombay Local Boards Act but have been issued essentially in connection with the working of treasuries.

(b) Yes.

(c) No. Section 89 (1) (a) of the Bombay Local Boards Act, 1923, lays down that the minimum balance of a district local board shall not be less than Rs. 5,000. This is an absolute limit below which no district local board can allow its liquid funds to dwindle down. This section is the same as section 57 (a) of the old Local Boards Act, I of 1884. It should be borne in mind that with a sum of Rs. 5,000 just at the beginning of a year it will not be possible for any board to meet its liabilities fully as their income is not recovered just at the beginning of a year. If the boards have not sufficient funds at their credit, they have to overdraw from Government Treasury at which their funds are ordinarily

kept, otherwise they cannot make their payments when they fall due. In the latter case they have to postpone such payments, which is inconvenient. As regards the former such overdrawals are not allowed unless the boards obtain a loan or a contribution from Government to cover it. In order to avoid these contingencies it is necessary that the local boards should have sufficient funds at their credit. Government have therefore sanctioned different working balances for different local boards by executive orders since 1896. The minimum balances have thus been prescribed with a view to minimise the necessity of overdrawals by boards from Government Treasuries, and are intended to safeguard the interests of the boards. At present, if the District Local Board's receipts *plus* the minimum balance is not sufficient at any time to cover expenditure, the board is allowed to overdraw, the amount of the overdrawal being covered by an advance from the Provincial Loan and Advance Account free of interest. This is a concession and Government are entitled to demand by executive orders that district local boards should keep prescribed minimum balances. The present minimum balances have been fixed at their existing figures as experience had proved that they were necessary in order to carry on the administration.

#### LOCAL BOARDS : MINIMUM WORKING BALANCE

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) whether they have received any reply from their legal adviser in connection with the minimum working balance of the district and taluka local boards ;

(b) if the reply to (a) is in the affirmative, what it is ?

The Honourable Sir GHULAM HUSSAIN (a) Yes.

(b) Government are not prepared to lay it on the Council Table.

#### HOUSE-RENT ALLOWANCE

Rao Saheb R. V. VANDEKAR on behalf of Mr. N. E. NAVLE (Ahmednagar District) : Will Government be pleased to state—

(a) whether excise inspectors are given rent-free quarters or house-rent where there are no quarters ;

(b) if so, why similar provision is not made for Mamlatdars ?

The Honourable Mr. G. B. PRADHAN : (a) At present Excise Inspectors stationed at places where Government quarters are available are permitted to occupy them rent-free. The question of charging them rent is under consideration. At certain places where no Government quarters are available but where it has been recognised that it is difficult to secure suitable accommodation at reasonable rent, a suitable house-rent allowance is granted. At the remaining places the officers have to find accommodation for themselves at their own expense.

(b) The honourable member is referred to the honourable the Revenue Member for a reply to this part of the question.

## SIND CANALS : SILT CLEARANCE

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state the amount of money spent on silt clearance of each canal in Sind during each of the last 5 years ?

The Honourable Sir COWASJI JEHangIR: The information is given in the accompanying statement.

*Statement showing the amount spent on silt clearance of each canal in Sind during each of the last five years ending 1925-26*

Name of canal	1921-22	1922-23	1923-24	1924-25	1925-26
<i>Hyderabad Canals Division</i>	Rs.	Rs.	Rs.	Rs.	Rs.
1. Allbahar Kacheti ..	898	2,952	695	1,514	1,499
2. Great Marak .. ..	1,616	32,222	24,165	24,407	14,087
3. Sartraz .. ..	2,571	7,839	5,036	9,680	6,277
4. Ghara Mahmudo ..	8,653	21,091	2,998	13,595	17,846
5. Kari Shumali .. ..	21,236	11,577	4,155	8,432	4,344
6. Nasirwah .. ..	3,180	17,220	7,811	3,431	3,607
7. Ronwah .. ..	....	....	....	....	....
8. Other canals .. ..	....	....	....	1,349	....
9. Ren Distributary ..	1,531	9,355	3,917	5,032	5,091
Total Hyderabad Canals Division ..	39,685	1,02,256	48,777	67,530	52,751
<i>Fuleli Canals Division</i>					
10. Fuleli Canal .. ..	1,08,290	94,465	52,413	79,449	61,237
11. Indus Canals .. ..	9,869	12,585	5,091	27,819	10,508
12. Hassanali Canal ..	8,392	18,053	6,190	9,405	6,711
Total Fuleli Canals Division .. ..	1,26,560	1,25,103	63,694	1,16,673	78,456
<i>Eastern Nara Division</i>					
13. Mithrao .. ..	23,814	8,257	5,180	9,354	17,780
14. Nara .. ..	1,837	....	....	20,094	26
15. Thar .. ..	2,950	119	50	416	2,468
16. Khipro .. ..	2,728	....	32	3,524	2,577
17. Hiral .. ..	7,396	....	....	....	1,722
Total Eastern Nara Division .. ..	38,725	8,376	5,262	33,388	24,573
<i>Nasrat Canals Division</i>					
18. Naulakhi .. ..	8,892	8,335	13,064	15,740	15,810
19. Dambhro .. ..	5,892	2,584	2,395	1,099	2,610
20. Dad .. ..	26,099	20,694	16,316	17,152	37,279
21. Nasrat .. ..	19,597	34,872	55,078	84,673	61,781
22. Mehrab .. ..	18,049	14,954	13,568	8,543	8,293
23. Other Canals .. ..	2,679	1,483	861	2,588	2,448
Total, Nasrat Canals Division .. ..	81,408	82,872	1,01,282	1,29,790	1,28,216

Name of Canal	1921-22	1922-23	1923-24	1924-25	1925-26
<i>Northern Jamrao Canal Division</i>	Rs.	Rs.	Rs.	Rs.	Rs.
24. Jamrao Canal .. ..	14,832	3,428	2,410	9,026	7,653
<i>Southern Jamrao Canal Division</i>					
25. Jamrao Canal .. ..	8,678	7,982	6,577	11,558	9,679
<i>Karachi Canals Division</i>					
26. Pinyari .. ..	34,581	38,123	50,983	48,479	37,412
27. Baghar .. ..	9,630	7,976	8,098	6,489	8,088
28. Kalri .. ..	16,709	7,767	34,355	27,617	21,669
29. Sattah .. ..	5,580	5,115	1,790	1,132	4,861
30. Indus Canals Right Bank ..	6,935	7,500	11,916	8,883	7,716
31. Indus Canals Left Bank ..	15,849	10,068	16,586	23,294	18,201
Total, Karachi Canals Division	89,281	76,849	1,23,728	1,15,861	97,807
<i>Western Nara Division</i>					
32. Western Nara .. ..	1,43,951	82,136	2,45,438	92,621	66,112
33. Dadu Canals .. ..	6,283	2,706	17,871	3,048	4,107
34. Canals north of Kotri ..	10,281	4,715	30,189	9,923	6,474
35. Marviwah .. ..	5,214	163	2,935	6,949	3,190
36. Wahurwah .. ..	4,654	11,715	1,006	6,550	3,386
37. Phitta .. ..	700	680	....	327	273
38. New Feeder .. ..	....	....	....	....	7,370
Total, Western Nara Division ..	1,71,086	1,02,115	3,06,639	1,19,418	90,912
<i>Ghar Canals Division</i>					
39. Ghar Canals system ..	88,217	19,938	74,078	31,627	35,279
40. Sukkur Canal .. ..	29,526	4,855	60,382	33,349	36,638
Total, Ghar Canals Division ..	1,17,743	24,793	1,35,360	64,976	71,917
<i>Shikarpur Canals Division</i>					
41. Canals in Rohri .. ..	29,090	29,305	10,320	20,514	20,444
42. Sind Canal and Branches ..	29,844	30,591	4,950	73,091	13,808
43. Clearing Rajib and Chitti ..	3,205	6,945	1,788	8,740	2,227
44. Mahiwah and Branches ..	14,354	15,170	3,266	30,818	17,040
Total, Shikarpur Canals Division ..	76,493	82,011	20,324	1,33,163	53,519
<i>Begari Canals Division</i>					
45. Desert Canal .. ..	58,604	Not avail- able.*	38,952	37,676	34,160
46. Unharwah .. ..	27,520	Do.	15,214	27,516	21,247
47. Begari Canals .. ..	1,43,343	Do.	46,584	1,91,273	1,24,526
Total, Begari Canals Division ..	2,29,467	....	1,00,750	2,56,465	1,79,933

\*The register of works has been destroyed by fire.

## CHAVDI AT RAVER

Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state—

(a) whether it is a fact that the Collector, East Khandesh, had issued orders to collect along with land revenue anna 1 pies 6 more per rupee of revenue assessment, at Raver for the construction of a chavdi there;

(b) if so, whether he was authorised to issue such orders;

(c) whether it is a fact that the public of Raver had submitted a petition to the Collector, East Khandesh, requesting him not to collect any contribution to the chavdi from the public if that building is to be a Government building;

(d) if so, what action was taken with regard to this petition;

(e) whether they will lay before the Council the petition of the public of Raver referred to above and the orders of the Collector relating to this matter;

(f) whether it is a fact that subscriptions for this chavdi at Raver have been collected from the public against their wish;

(g) if so, whether Government propose to refund the amounts recovered from those persons who were not willing to pay;

(h) what amount by way of contribution to this chavdi fund was collected at Raver before the 27th of January 1927, when the Collector of East Khandesh went to that place;

(i) whether it is a fact that after the 27th of January 1927 contributions to the chavdi fund were collected from persons who were unwilling to pay under the influence of the Collector;

(j) the amount of contributions collected after 27th January 1927 and the names of persons from whom these contributions were collected;

(k) whether their attention has been called to the matter appearing in the "Kesari" newspaper of 22nd February 1927 under the heading (शेतसाज्याचें शेंपूट) "tail of land revenue" about the action of the Collector of East Khandesh with regard to these contributions towards the chavdi fund, Raver;

(l) if so, what action they have taken in the matter?

The Honourable Mr. J. L. RIEU : (a) The upper portion of the chavdi at Raver was burnt down in 1921 during the non-co-operation movement and the remaining portion required repairs. The people of Raver had expressed their willingness to contribute towards the reconstruction of the chavdi building, but stated that they were unable to collect the contributions themselves and requested that this should be done by the Mamlatdar at the time of the collection of land revenue. It was proposed to collect  $1\frac{1}{2}$  annas per rupee from each khatedar. This was in April 1925. But no collection was made during 1925-26 owing to the partial failure of crops. As the people had asked for the employment of official agency, the Collector applied for the sanction of Government; and this was accorded. The Collector thereupon asked the Prant Officer to collect subscriptions at the above rate through official agency as requested by the people.

(b) The Collector had obtained Government sanction as stated in (a) above.

(c) A petition was received by the Collector on 15th December 1926 signed by about 100 persons requesting him not to collect subscriptions for the chavdi if it was to be a Government building.

(d) The petition was forwarded to the Prant Officer for report. On inquiries being made it was found that about 20 of the signatories had no land at Raver and 12 had signed the petition without knowing to what subject it referred. All but twelve of the signatories seemed willing to pay, and as a matter of fact did pay their contributions later. The Collector camped at Raver from 27th January 1927 to 3rd February 1927. He met the people at the Municipal Office on 31st January 1927 and explained to them the necessity of a chavdi at a place like Raver and told them that though the chavdi was a Government building, they could use it for their social functions. He found that very few were unwilling to pay the contribution and asked the Mamlatdar to see that payment was strictly voluntary. He came to the conclusion that the petition was merely the outcome of a mischievous agitation.

(e) The petition is placed on the Council table\*. While the Collector's camp was at Raver he had personally asked the Mamlatdar to accept only voluntary contributions. In the official correspondence also he approved the Prant Officer's recommendation that only voluntary contributions were to be accepted.

(f) No. On the other hand orders were issued to accept only voluntary contributions.

(g) This question does not arise.

(h) Rs. 504-1-0 were collected before 27th January 1927.

(i) No.

(j) The amount collected after 27th January 1927 was Rs. 821-6-10. A list of the persons who paid this amount is placed on the Council table \*

(k) Yes.

(l) No action has been taken.

Mr. H. V. PATASKAR : In reply to (a) it is stated that the people of Raver expressed their willingness. Was it done in writing ?

The Honourable Mr. J. L. RIEU : I do not know.

Mr. H. V. PATASKAR : With regard to (k), Government say that their attention has been drawn to the article. Is Government also aware that for non-payment to this fund Mr. Ganbhir Ghanashyam Shet, a municipal councillor, was insulted by the Collector ?

The Honourable Mr. J. L. RIEU : I am not aware.

#### GOVERNMENT SERVANTS : HOUSE RENT ALLOWANCE

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) the average house rent which a Government servant in the subordinate service drawing less than Rs. 100 per mensem is required to pay at Poona and Thana ;

(b) whether a house rent allowance or a compensatory allowance is paid to such subordinate Government servants at Poona and Thana ;

(c) the average house rent which such a subordinate Government servant is required to pay at Jalgaon, Dhulia, Bhusaval, Amalner and Chalisgaon ;

(d) whether any representations for a house rent or compensatory allowance have been received by Government from subordinate Government servants at Dhulia, Jalgaon, Bhusaval, Amalner and Chalisgaon ;

(e) if so, whether they propose to take any action with regard to such representations ?

The Honourable Sir CHUNILAL MEHTA : (a) Government have no information.

(b) Yes.

(c) Information is not available for all these places.

(d) and (e) The question of allowances to non-gazetted ministerial and non-ministerial officers at various places in the Presidency was, recently considered by Government and they came to the conclusion that relief was necessary in some cases in Poona and Thana only.

Mr. H. V. PATASKAR : With regard to (d) and (e), may I know when the question was considered ?

The Honourable Sir CHUNILAL MEHTA : I cannot give the exact date, but I think it was very recently ; probably last year within six months.

Mr. H. V. PATASKAR : With regard to (c) will Government call for information from those places ?

The Honourable Sir CHUNILAL MEHTA : It is not available.

Mr. H. V. PATASKAR : I asked, will Government call for it ?

The Honourable Sir CHUNILAL MEHTA : I am afraid it will be difficult now to re-open this question ; it was only recently considered and this is the decision which Government have arrived at, the conclusion stated.

#### GOVERNMENT SERVANTS : HOUSE RENTS

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) whether it is a fact that the maximum monthly house rent in the case of the District and other Government officers occupying Government residential quarters is fixed at 10 per cent. of their monthly salaries under the provisions of the Public Works Department Code ;

(b) whether they are aware that at many places in the Presidency subordinate Government servants not provided with Government quarters have to spend more than 10 per cent. of their salaries on house rent ;

(c) if not, whether they propose to make any inquiries in this matter at least in important commercial and industrial towns where no house rent allowance is paid ?

The Honourable Sir CHUNILAL MEHTA : (a) It is so fixed under the Fundamental Rules.



(b) and (c) The question of house rent allowances to non-gazetted Government officers throughout the Presidency was recently considered by Government in great detail and Government sanctioned allowances where they considered them necessary.

#### CHALISGAON RAILWAY CROSSING

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) whether they are aware that the G. I. P. Railway main and branch lines cross the Chalisgaon Dhulia Road near the Chalisgaon town, that there is no bridge at the crossing, that the crossing is within the shunting limits of the Chalisgaon Station, that the goods office at the Chalisgaon Station is situated on the other side of the crossing, and that the gates at the crossing have to be closed for most of the time of the day for the Railway trains to pass or the shunting operations to take place;

(b) whether they propose to take any action in the matter?

The Honourable Mr. J. L. RIFU : (a) Government are aware that the Chalisgaon Dhulia road crosses the G. I. P. Railway at Chalisgaon within shunting limits, that there is no overbridge, and that the goods office and the town are situated on opposite sides of the crossing. The census taken during the period 1st to 7th September 1927 inclusive shows, however, that the average number of times the level crossing was closed to public traffic daily was 36 and the average time of each closure was  $14\frac{3}{4}$  minutes. The gates were therefore closed for about  $8\frac{3}{4}$  hours in each 24 hours, on the average.

(b) The Railway Authorities expect to commence the remodelling of Chalisgaon Station in 1928 and state that this scheme includes the provision of a goods shed on the same side of the line as the town.

#### DREDGERS : OUTPUT

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to place on the table a list containing the guaranteed output and the actual average output of every dredger which worked in each of the years 1925, 1926, 1927 in this Presidency with reasons for reduction in the average if any?

The Honourable Sir COWASJI JEHANGIR : There are three dredgers in charge of the Public Works Department, viz., the "Sandpiper," "Rohri" and "Ruk." The "Sandpiper" is of the Dipper Dredger type. Its guaranteed output is one dipper per minute with  $2\frac{1}{2}$  cubic yards capacity bucket which is equivalent to about 30,370 cubic feet per day. The average actual output during the past three years has been as under :—

			Cubic feet per day
(a)	During the year 1924-1925	..	24,678
(b)	" " 1925-1926	..	22,914
(c)	" " 1926-1927	..	25,083

The average output as shown against (a), (b) and (c) is considered good in consideration of the fact that the work was done under water and completely filled buckets cannot be ensured. The dredgers "Rohri" and "Ruk" were taken over on 21st January 1926 and 25th March 1926 respectively. The guaranteed output of each was specified to be 8,000 cubic feet of solids per hour. Both the dredgers were subjected to strict trials and gave the same output as that specified per hour. The average output of each dredger during the two years 1926 and 1927 was between 2 to 3 thousand cubic feet per hour. The low rate of output is due to thick layers of brush wood and large stumps of trees, etc., met with in the mud.

Mr. G. I. PATEL : Is the output satisfactory, when it is admitted that against a specification of 8,000 cubic feet, the actual output is only 2,000 to 3,000 cubic feet ?

The Honourable Sir COWASJI JEHangIR : The output is not certainly satisfactory, but there are circumstances explained in the answer which account for the lesser output.

Mr. G. I. PATEL : But the actual output is only one-third of the specification.

The Honourable Sir COWASJI JEHangIR : The honourable member is referred to the last two lines of the reply.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : It has been stated that trials were taken. Where were the trials taken ?

The Honourable Sir COWASJI JEHangIR : In two places ; first on the Clyde, and then at Sukkur.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Who took them ?

The Honourable Sir COWASJI JEHangIR : At Sukkur they were taken by the Chief Engineer and the Superintending Engineer ; and on the Clyde by the Consulting Engineer on behalf of the Secretary of State.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Have the Government of India a copy of the contract ?

The Honourable Sir COWASJI JEHangIR : Yes.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Will they be pleased to place it on the table ?

The Honourable Sir COWASJI JEHangIR : If the honourable member gives me notice, I will consider it.

#### INCOME-TAX REFUNDS, AHMEDABAD

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state whether the income-tax authorities at Ahmedabad asked the Committee of the Ahmedabad Mills' Tilak Swaraj Fund Charities to submit to them a list of text-books and such other information pertaining to the educational policy of the Labour schools conducted in Ahmedabad by the Labour Union on a question of refunding the tax already deducted from the interest of Government loans held by them ?

The Honourable Sir CHUNILAL MEHTA : Income Tax is a Central subject and questions relating to it should be put in the Central Legislature.

#### RETRENCHMENT OFFICER'S REPORT

Mr. J. R. PATEL (Kaira District) : Will Government be pleased to place on the Council table the report of the Retrenchment Officer together with a statement showing the action which Government have taken or intend taking on the recommendations contained in the report ?

The Honourable Sir CHUNILAL MEHTA : Copies of a statement showing the recommendations of the Retrenchment Officer and the action taken by Government on them have already been supplied to the members of the Legislative Council.

#### BENCH MAGISTRATE, NASIK : MR. SHINDORE

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) whether Mr. Hiranman Narayan Shindore is still an honorary bench magistrate at Nasik ;

(b) how many criminal complaints have been instituted against him during the last twelve months in the court of the city magistrate, Nasik, or any other criminal court in the district of Nasik, and under what sections of the Indian Penal Code ;

(c) how many applications for sanction to prosecute have been made against him since 1923 in the civil court at Yeola or the civil courts at Nasik ;

(d) what has been the result in each of the complaints and applications against him ?

The Honourable Mr. J. L. RIEU : (a) Already answered.

(b) During the last twelve months three criminal complaints have been instituted against him, one under section 342 of the Indian Penal Code, another under sections 323 and 109 of the Indian Penal Code and the third under sections 379 and 426 of the Indian Penal Code. The first case was compounded and Mr. Shindore was discharged in the second and the third.

(c) None has been filed in the Civil Court at Yeola, but one was filed in the Court of the First Class Subordinate Judge at Nasik, consideration of which has been held over pending the decision of the High Court on an appeal against the decree of the First Class Court at Nasik.

(d) A reference is requested to the replies to clauses (b) and (c).

Mr. R. G. PRADHAN : Is it not a fact that in the case under section 379, Mr. Shindore tendered an apology ?

The Honourable Mr. J. L. RIEU : I have no information on that point.

Mr. R. G. PRADHAN : Have Government examined the papers with a view to satisfying themselves whether Mr. Shindore deserves to be continued as an honorary magistrate ?

The Honourable Mr. J. L. RIEU : No examination has been made by Government.

Mr. R. G. PRADHAN : Have they considered the advisability of examining the papers with a view to seeing whether he deserves to be continued as an honorary magistrate ?

The Honourable Mr. J. L. RIEU : No.

#### DEVAPUR BANDHARA, SINNAR TALUKA

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state whether the construction of the Devapur *bandhara* in the Sinnar Taluka has been begun, as promised by the Executive Engineer, Irrigation, at the conference held at the Collector's Office, Nasik, on 1st November 1926 to meet Mr. Lowsley and discuss proposals of minor irrigation works with him ?

The Honourable Sir COWASJI JEHangIR : Plans and estimates for repairs to the existing bandhara at Deopur have been prepared and the work will be carried out as soon as the water in the river goes down.

Mr. R. G. PRADHAN : What is the difference between a dam and a bandhara ?

The Honourable Sir COWASJI JEHangIR : If the honourable member will give me notice I will give him a scientific description.

#### DEV DAM, DEVAPUR

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state—

(a) why there has been delay in the construction of the dam to the river Dev at Devapur, taluka Sinnar, district Nasik ;

(b) whether they are aware that the delay is causing dissatisfaction among the villagers ;

(c) whether they have considered the desirability of asking the local officers to expedite the execution of the work ?

The Honourable Sir COWASJI JEHangIR : (a) There is no proposal for constructing a dam at Deopur but certain repairs are proposed to be carried out to the existing bandhara to keep it in good order. Such repairs can only be done when there is no water in the river and the channel is not required by the irrigators. Plans and estimates for the repairs have been prepared and the work will be taken in hand shortly

(b) No.

(c) Yes.

#### GOA LOTTERY TICKETS : SALES IN BOMBAY CITY

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state whether they are aware the Goa Lottery Tickets are again being freely and openly sold in the city of Bombay ?

The Honourable Mr. J. L. RIEU : Yes.

Mr. HOSENALLY M. RAHIMTOOLA : Have Government taken any action ?

The Honourable Mr. J. L. RIEU : No action has yet been taken.

Mr. P. J. MARZBAN : Is Government going to take any action ?

The Honourable Mr. J. L. RIEU : I am sure the Commissioner of Police will take action when occasion arises.

#### NEW TAXES : AMOUNTS REALISED

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) what new taxes have been passed by the Council since the Montagu-Chelmsford Reforms ;

(b) the amount realised under each tax each year since its passing and the budget estimate for the current year ?

The Honourable Sir CHUNILAL MEHTA : (a) (1) Increased duties under the Court Fees Act,

(2) Increased duties under the Indian Stamp Act,

(3) Levy of increased duty in respect of Transfers of Property in the Town and Island of Bombay,

(4) The Entertainment Duty,

(5) The Totalizator Betting Tax.

(b) It is not possible to give the exact additional revenue realised from each of the measures (1), (2) and (3) above, because the rates were not raised by any uniform percentage except in the case of (3), and there are many other factors affecting the revenue in all cases including (3). In respect of measures (4) and (5) above, the revenue derived in past years and the estimates for the current year are as follows :—

(Figures of receipts in thousands of Rupees)

Tax	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28
						(Estimates)
Entertainment Duty	2,66	9,40	9,03	7,17	7,39	7,54
Totalizator Betting Tax				4,13	12,15	15 00

Mr. HOSENALLY M. RAHIMTOOLA : What is the rough estimate of realization ? Was it based on any rough estimate ?

The Honourable Sir CHUNILAL MEHTA : Yes, they were based on some kind of rough estimate. It was mentioned by the Finance Member in his budget speech.

Mr. P. J. MARZBAN : Will Government consider the advisability of postponing this entertainment duty until the time the Government are able to pay fully for primary education ?

The Honourable Sir CHUNILAL MEHTA : I do not think there is any relation between the suit which the municipality has filed and the entertainments duty.

Mr. HOSEINBHAY ABDULLABHAY LALLJEE : Is it a fact that Government are finding a new source of taxation ?

The Honourable Sir CHUNILAL MEHTA : Government are always on the look-out for new sources of taxation.

Mr. HOSENALLY M. RAHIMTOOLA : Are not these estimates based on some calculations ?

The Honourable Sir CHUNILAL MEHTA : I suppose so. I do not suppose they were imaginary.

Mr. HOSENALLY M. RAHIMTOOLA : Could not calculations be made in the same way to find out the actuals ?

The Honourable Sir CHUNILAL MEHTA : I have explained what the difficulties are.

Mr. HOSENALLY M. RAHIMTOOLA : What were the difficulties ? I could not understand.

The Honourable Sir CHUNILAL MEHTA : I will ask the honourable member to read the reply to (b). There are many difficulties, as the honourable member himself is aware, such as the state of trade and commerce which leads to more or less sales of property.

Mr. HOSENALLY M. RAHIMTOOLA : I only want to know the actual amount realised.

The Honourable Sir CHUNILAL MEHTA : We do not know the increased amount realised. I wish we did. It is very difficult to work it out because as the honourable member has already been informed the duties were not raised by any uniform percentage and for other reasons.

Mr. HOSENALLY M. RAHIMTOOLA : I only want the amount realised.

The Honourable Sir CHUNILAL MEHTA : I am afraid I have already answered this question.

#### GOVERNMENT BUILDINGS, BOMBAY CITY

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state--

(a) the number of bungalows and buildings they have built in the city of Bombay for Government officers during the last ten years ;

(b) the total cost of each giving separate figures for land, construction, fittings, development, etc. ;

(c) the annual outgoings on each giving separate figures for taxes, maintenance, interest, sinking fund, depreciation, etc. ;

(d) the annual rent realised on each ;

(e) the net rate realised on the capital invested on each, or loss, if any ?

The Honourable Sir GHULAM HUSSAIN : Information has been called for.

#### HIGH SCHOOLS : SANCTION FOR OPENING

Mr. RAJMAL LAKHICHAND (East Khandesh District) : Will Government be pleased to state whether it is a fact that they have refused permission to convert an aided or unaided school into a High School on the only ground that the number of boys in a particular class was small though the school was willing to supply it (The High School) with efficient staff and material according to the Government standard ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the Honourable Member specifies the school referred to in the question, enquiries will be made.

#### DHOLERA PORT

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Commissioner, Northern Division, visited the new Whittle Bunder of Dholera, and Maghar Khadi Creek on the Dholera coast ;

(b) the decision come to by the Revenue Department and the Customs Department regarding the opening of the Maghar Khadi Creek ;

(c) whether in view of the extreme inconvenience that the ships are experiencing in the New Whittle Bunder, they intend to open the Maghar Khadi Creek as soon as possible ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) and (c) Government have received from the Commissioner, Northern Division, a report regarding the opening of a port in the Magarwali Creek, near Dholera, and it is under their consideration at present.

#### TALUKDARI VILLAGE : EJECTMENT SUITS

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) the number of ejectment suits filed by the Talukdars of Ghogo, Dhandhuka and Dholka against their ryots in the Civil Courts ;

(b) the names of Talukdari Villages and those of Talukdars in the above three talukas where most of the agriculturists are thus sued to be ejected ;

(c) the names of Talukdars and the villages in the above three talukas where ejectment notices are served on most of their ryots ?

The Honourable Mr. J. L. RIEU : (a)

Taluka				Number of suits
Ghogo	..	..	..	10
Dhandhuka	..	..	..	Nil
Dholka	..	..	..	5

(b)

Village	Taluka	Name of Talukdar
Kamlej ..	.. Ghogo	.. Vala Darbar
Undvi ..	.. Do.	.. Do.
Vataman..	.. Dholka	.. Thakor of Koth-Sanand Estate.

(c) The Vala Darbar in the villages of Kamlej and Undvi in the Ghogo Mahal.

The THAKOR OF KERWADA : Is it not a fact that the superstructure of the building belonged to the talukdars ?

The Honourable Mr. J. L. RIEU : In the case of wanta land it is a fact.

Mr. J. C. SWAMINARAYAN : Did not this refer to the ejection of the cultivators from their land ?

The Honourable Mr. J. L. RIEU : It may be due to both.

#### BHAGOD VILLAGE TANK

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the tank in the village of Bhagod in the taluka of Bulsar in the Surat district :—

- (a) the area of the tank ;
- (b) the area of the land assessed to it for Himayat ;
- (c) the Himayat assessment on the tank ;
- (d) whether the embankment of the tank is in good condition ;
- (e) the number of pipes on the tank and the condition in which each is at present ;
- (f) whether the tank is at present deep enough ;
- (g) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs ;
- (h) what is the condition of the tank at present ;
- (i) whether complaints have been received from the people about this tank ;
- (j) whether Government have decided to put this tank in a good state of repair ;
- (k) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : (a) to (k) The information has been called for.

#### PATELS . TRAVELLING ALLOWANCE

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

- (a) whether the Patels of villages are given travelling allowance when they are called away from their village on Government work ,
- (b) if they are given such allowance, what is the scale of this allowance ;
- (c) if they are not given such an allowance what are the special reasons for not giving them travelling allowance ;
- (d) in that case have Government considered the desirability of giving them such an allowance ;
- (e) if so, what decision have they arrived at ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) The question does not arise.

(c) Patels are not full-time servants of Government. It has always been held to be part of their duties to visit taluka headquarters for Government work when called upon to do so.

(d) The matter has been considered.

(e) As stated in reply to clause (c) above.



**Mr. H. B. SHIVDASANI :** As regards (d), When was the matter last considered ?

**The Honourable Mr. J. L. RIEU :** About two or three years ago.

**Mr. H. B. SHIVDASANI :** Was any G. R. passed on the point ?

**The Honourable Mr. J. L. RIEU :** I think so.

**Mr. H. B. SHIVDASANI :** Is it a fact that the patels get Rs. 2 to Rs. 3 per month.

**The Honourable Mr. J. L. RIEU :** That may be the fact in certain cases.

**Mr. H. B. SHIVDASANI :** Is it not a fact that it would cost them more.

**The Honourable Mr. J. L. RIEU :** I presume they have their regular own arrangements for travelling to the taluka headquarters.

#### SCHOOLS : ISOLATION OF DEPRESSED CLASSES

**Dr. P. G. SOLANKI :** Will Government be pleased to state:

(a) whether it is a fact that in very many villages in the Mofussil Schools in Gujarat children of the Depressed Classes are made to sit in the verandah outside the school rooms by teachers of primary schools and are thus exposed to the heat, cold and rains in different seasons with the result that these children are neglected and taught nothing and their health is impaired and the parents of such children get tired of such cruel and inhumane treatment towards their children and remove them from the schools thus depriving them of the benefit of education which Government have brought to their very doors.

(b) whether they are aware that in some cases where these children are allowed to sit inside the class rooms particular care is taken by the teachers in charge of such classes not to allow the children of the depressed classes to mix freely with the children of the other Hindu caste children even though these children may be clean and decent in their habits and dress and appearance :

(c) if so, what action they propose to take so as to put a stop at once to such cruel and differential treatment from the hands of the teachers of the Primary Schools in the mofussil ?

**The Honourable Dewan Bahadur HARILAL D. DESAI :** (a) and (b) In six District Local Board Schools at Gothan, Madhar, Morthan, Motavarachha, Sania Hemad and Kharvasa in the Surat District, the depressed class pupils are not allowed to mix freely with the children of other Hindu castes but are made to sit in the verandah of the schools. The teachers in the schools are not, however, responsible for this arrangement. The depressed class people themselves prefer their children to sit on the verandah rather than displease the high caste Hindus.

(c) The educational officers of Government have been trying their utmost to persuade the people of the advanced classes to allow the depressed class pupils in the schools to be seated along with those of other castes. It is hoped that the opposition of the advanced classes will gradually disappear.

Dr. P. G. SOLANKI : With regard to (b) the Honourable Minister says "the depressed class pupils are not allowed to mix freely with the children of other Hindu castes but are made to sit in the verandah of the schools?" How does the Honourable Minister account for this? Has he made any special enquiries?

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer has been given. The reason is that the depressed classes do not want to seek the displeasure of the high classes.

Dr. P. G. SOLANKI : Is it a fact that the depressed class people are threatened by the advanced class people that if they insist upon the children sitting inside the school room, they themselves would be isolated.

The Honourable Dewan Bahadur HARILAL D. DESAI : I have no reports of that character.

Dr. M. K. DIXIT : (Inaudible).

The Honourable Dewan Bahadur HARILAL D. DESAI : They do no work; they are made to sit in the verandah with a high plinth and there is a roof to it.

Dr. P. G. SOLANKI : Is the Honourable Minister aware that some of these children are exposed to rain and cold and heat without shelter on the verandahs?

The Honourable Dewan Bahadur HARILAL D. DESAI : The Minister is not aware.

Dr. P. G. SOLANKI : May I bring to his notice that the depressed class people have approached me and told me that it is a great grievance and humiliation for them that their children are not allowed to sit inside the class rooms?

The Honourable the PRESIDENT : There can be no speech on that.

Dr. P. G. SOLANKI : I am only bringing it to his notice, Sir.

The Honourable the PRESIDENT : That has been brought to his notice.

Mr. J. C. SWAMINARAYAN : Is the Honourable Minister aware whether it is true that there is intimidation from the advanced classes to the depressed classes?

The Honourable Dewan Bahadur HARILAL D. DESAI : If any question or instance is brought to my notice, I will certainly enquire.

Dr. P. G. SOLANKI : It is replied by the Honourable Minister that the teachers are not responsible for forcing the students to sit outside in the verandah, while I am informed by the local people that it is the teachers.....

The Honourable the PRESIDENT : Where is the question?

Dr. P. G. SOLANKI : I want to bring it to the notice of the Minister. Is it not a fact, Sir, that the teachers themselves force the boys to sit outside in the verandah?

The Honourable the PRESIDENT : The Honourable Minister has replied that to his knowledge it is not a fact, while the honourable member informs the Minister that it is so.

Mr. N. A. BECHAR : Does the Honourable Minister consider that as a satisfactory arrangement ? As a responsible Minister, does he approve of that ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not consider that arrangement as satisfactory, and we are trying our best to persuade people not to object. . . . .

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : What class of people are you persuading ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The advanced class people.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Do they object ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The parents do object, and, therefore, the parents of the depressed class pupils, in order not to displease the higher class Hindus, ask their children to sit on the verandah.

Mr. N. A. BECHAR : I want to know, Sir, whether all the laws of the State are administered by the method of persuasion or are they enforced ?

The Honourable Dewan Bahadur HARILAL D. DESAI : As in the case of railways, this difficulty will wear out by time, and I hope that it will.

Mr. R. S. ASAVALE : Has the Honourable Minister ever persuaded himself ?

The Honourable the PRESIDENT : Order, order. The next question of the honourable member Dr. Solanki and the rest of the questions we shall take on Monday.

## PRIVATE BILLS.

*(Consideration of Bill No. XXV of 1927, a bill further to amend the City of Bombay Municipal Act, 1888, resumed).*

Mr. R. S. ASAVALE (Bombay City, North) : Sir, as regards the speech made against this bill by the honourable member Mr. Petit, the argument he has brought forward in opposition is only this that the people should be of the right and proper quality. Mr. President, I do not see any sense in this statement and he has not proved what should be the right and proper quality in a voter. The voter as such, when he pays the rent is entitled to a vote and he does not require any other quality than this for the purpose of franchise, he has got every right to vote, and I do not see any sense in the argument that has been brought forward in opposing this bill by the honourable member Mr. Petit.

Now, Sir, I come to the arguments of my honourable friend Mr. Marzban. He has stated that at the time of elections the voters have been given a sort of bribe as drink, and I can openly state in this House, Sir, that if ever such a bribe has been given, it must have been

[Mr. R. S. Asavale]

given by people of the type of the honourable member Mr. Marzban and nobody else.....

Mr. P. J. MARZBAN : I protest against this, Sir, and would ask whether the honourable member is justified in saying that I gave a bribe in my election.

Mr. R. S. ASVALE : I said members like Mr. Marzban.

Mr. P. J. MARZBAN : Will you kindly ask the honourable member to repeat what he said, Sir ?

The Honourable the PRESIDENT : He says he said "members like Mr. Marzban," which I hold includes Mr. Marzban, and if he said so, the honourable member will withdraw it.

Mr. R. S. ASVALE : I said men of his class who possess means to do so.

The Honourable the PRESIDENT : The honourable member has to withdraw those words.

Mr. R. S. ASVALE : All right, Sir. I bow to your ruling. I withdraw. As regards another statement that he made, instead of decreasing the franchise, he wants to increase it again by giving the vote to a tenant who pays Rs. 20. Sir, look at the mentality of the honourable member. This argument clearly shows what sort of mentality he has.

Now, Sir, I shall turn to my honourable friend Sir Vasantao, who stated that he doubts the calibre of my honourable friend Mr. Bole and he has doubted the correctness of his statement about the number of voters in the roll. But I doubt the calibre of the honourable member Sir Vasantao. I can ask the honourable member Sir Vasantao whether he had ever stood or even tried to stand for any election, either municipal or Council. So, Sir, he can't be in a position to know the calibre of an elector or a candidate. He had never used his sense in doing that, and I must openly state here, Sir, that these representatives of the poor people as far as possible try never to go into such councils by the back door as my honourable friend Sir Vasantao does. They try their best to seek a seat through election and if at all they fail then and there only in order to serve their people they go through nomination. When his nomination is quite safe, and he has always been given the right of coming to this House by the back door, he thinks that others also should seek the same way and they should not try to come by election. This is the calibre of the honourable member Sir Vasantao. I can say this much, Sir, that if the other communities and other people can ensure their seats by reservation of seats or by nomination, they will never seek any special privileges.

My honourable friend referred to the illiteracy of the people who want this right. I ask, who is responsible for it ? They are the people like my honourable friends Sir Vasantao, Mr. Petit and Mr. Marzban who oppose every move and every attempt made on behalf of the people to get education. Not only this but they oppose every

[Mr. R. S. Asavale]

resolution and every bill that we may try to bring before the corporation or in this honourable House. They are in the majority and they do not like to reduce the franchise or give any sort of help as regards representation on the corporation. In 1925 the question of compulsory primary education was brought up in the Bombay municipal corporation and it was only by a snatch vote that the resolution to have compulsory primary education introduced was passed as far as F and G wards were concerned. The reason for illiteracy among the labouring population is not thus far to seek. It is people like my honourable friend Sir Vasantrao who stand in the way of our progress wherever they go. Had it not been for the efforts of the Honourable the Minister for Local Self-Government, it would have been very difficult to reduce the original franchise to ten rupees. If, similarly, he comes to our help now also, he will earn the blessings of thousands of workers and will make a name for himself.

As regards the question asked by my honourable friend Mr. Lalji Naranji as to whether the labouring classes will make good the losses suffered by capitalist merchants and traders, does he mean to say that losses should be made good by the labouring classes who are not paid enough for their work and then demand the right of vote ?

Mr. N. A. BECHAR : Do the merchants share their profits with the labourers ?

Mr. R. S. ASAVALE : You can ask the honourable member Mr. Lalji Naranji himself ; he knows it better.

The Indian Merchants' Chamber and the Chamber of Commerce have the right of vote and send their representatives. Their total membership is somewhere about 200, and for this number there is one representative, but here there are lakhs of people who have no right to send their own representative. Unless the franchise is reduced, the poor people cannot have their own representative and their grievances will not be redressed unless their real representative is there.

I would only draw the attention of my honourable friends to the Ahmedabad and Karachi municipalities. Out of 3 lakhs of people in Ahmedabad, nearly 75 per cent. are voters. What does it show ? It shows that 25 per cent. of the people are voters. Look at the city of Bombay, where not even 10 per cent. are voters, and if my bill is passed the city of Bombay can be brought to the level of Ahmedabad or Karachi as regards the percentage of voters. The reason why a big city like Bombay lags behind small cities like Ahmedabad and Karachi is that Bombay is inhabited by people of the type of my honourable friends, Sir Vasantrao Dabholkar, Mr. Jehangir Petit and Mr. P. J. Marzban. We want our own people to represent us on the municipal corporation so that we can get our grievances redressed. This is a legitimate desire on our part and we hope our popular Honourable Minister for Local Self-Government will grant our prayer. If he fails, whatever he has done will be considered as of very little use to us. So it is up to him to come to our help. I request him and the other Government officials to come to our assistance.

[Mr. R. S. Asavale]

As promised yesterday, I will not take up much time of the House. If the Honourable Minister is not satisfied about the first part of my bill about adding the word "residence," and if the first reading is passed, I will move for the bill to be referred to a select committee where a decision to keep or omit it can be considered. Even the question of the reduction of the franchise to Rs. 5 can be looked into and it will be up to the House to accept it or to reject it at the time of the second reading. So, I move that the bill be read a first time.

The Honourable Sir GHULAM HUSSAIN : Sir, the honourable mover of this bill proposes to prevent multiple voting by the first part of his bill. I informed the House yesterday that there are several safeguards against that evil already provided in section 19. In reply, I did not hear anything from the honourable mover except that the list of voters is so big that it is very difficult for a candidate to detect or to prevent multiple voting by informing the Municipal Commissioner. He complained about the list of ten rupee voters as a big list. I am afraid he will have to complain much more if the franchise qualification is reduced to Rs. 5 in accordance with his bill, because in that case the list is bound to be very much bigger than at present. In order to save himself and other candidates the trouble of scrutinising the lists, he has brought this bill and he wants to take away a big slice out of the existing democracy and to deprive thousands of voters of their right of vote. To save himself and other candidates the trouble, he says "do away with a large number of votes." As regards the first part of his bill, I hope no honourable member of this House will agree with the mover of the bill because whatever democracy the corporation has will disappear.

Now, coming to his next proposal. I may at the outset inform the honourable members of this House as well as the members of the backward communities that I have every sympathy with the aspirations of those communities. It is not merely in words that I have expressed my sympathy, but I have translated my sympathy into action, by always nominating a fairly good number of those classes on the local bodies and by making provision in the various statutes for the representation of the depressed classes. I have even widened the franchise of the local boards, where the backward communities have established their ascendancy, and I am sure that with the wide franchise in the major city municipalities, they will come into their own and there also they will be in the ascendant. Now, having got into power in the mofussil local boards and municipalities, I would request them to work those bodies well before they set their eyes on the Bombay corporation. In order to facilitate their coming on the Bombay corporation, four years' back, I reduced the franchise to Rs. 10, in spite of the organised campaign of vilification against me. But I did what I considered to be my duty and did not mind the abuse that was levelled against me. However, I think that franchise has not yet been worked sufficiently. Besides, that franchise gives a sufficiently large number of votes to the backward communities.

Now, let us examine the circumstances which the honourable mover mentioned here yesterday. He said that he lost his seat in the last

[Sir Ghulam Hussain]

election because some people enticed away his voters either by drink or promises of drink. If the ten-rupee-wallahs are enticed away by drink or promises of drink, what will be the state of the five-rupee-wallahs ?

Mr. R. S. ASAVALE : I never said that they were enticed away. It is the double voting that cheated me ; nothing else.

The Honourable Sir GHULAM HUSSAIN : I think I heard some honourable member mention it yesterday. But, Sir, I might bring to the notice of the honourable mover of the bill one important fact, that in the ward in which he sought election, as far as my information goes, there is a fairly large number of voters of his community.

Mr. R. S. ASAVALE : No.

The Honourable Sir GHULAM HUSSAIN : Now, if the members of his own community will not vote for such an articulate and vocal member as the honourable mover of the bill, then I am sorry for him, and I or anybody else cannot help him. That only shows want of organisation.

Mr. R. S. ASAVALE : For the information of the Honourable Minister I would only say that there are only 200 voters belonging to my community out of 12,000.

The Honourable Sir GHULAM HUSSAIN : How many votes each ?

Mr. R. S. ASAVALE : Nearly 1,000 ; there were 6 seats.

The Honourable Sir GHULAM HUSSAIN : Then again, for the elections to the Legislative Council also there is the same franchise. I was surprised when I found that the representatives of Parel and Mahim wards and other wards were not the members of the honourable mover's community, but they were non-Hindus. That shows lack of organisation on their part. They have the vote, but they do not use that vote in an organised way. However, whatever my sympathies be for these communities, and however anxious I may be to safeguard their interests, I have to look to the feelings of the House. Yesterday I heard it stated in this House by several honourable members that they wanted the franchise to be Rs. 20 instead of Rs. 10, but that was a small section—I may say an infinitely small section. Therefore, I paid no attention to it. As regards the Rs. 10 franchise, the trend of the speeches made seemed to favour it, and the number of honourable members who supported it appeared to me to be very large. Whatever that be, they are honourable members of this House, and I have to respect their wishes.

Mr. J. C. SWAMINARAYAN : Those who wanted to speak on the five-rupee franchise did not get time.

The Honourable Sir GHULAM HUSSAIN : I think those who support the five-rupee franchise are a very small section.

An Honourable Member : It is a very large section.

The Honourable Sir GHULAM HUSSAIN : The voices even show only three or four. So, as a responsible Minister I have to carry out the wishes of this House—I mean the wishes of the majority of this House, though, those wishes may be against my personal inclinations or desires.

[Sir Ghulam Hussain]

Secondly, the bill concerns the Bombay corporation, which is the premier local body in the presidency, and that corporation has turned down this proposal a number of times. Now, I will explain to the honourable mover of the bill the position in which I stand. The majority of this House are against the five-rupee franchise; the corporation, which is the body concerned, and which is affected by this franchise, is against it.....

Mr. S. K. BOLE : Vested interests.

The Honourable Sir GHULAM HUSSAIN : Whatever that be, I shall be guided by the opinion of the majority of the body concerned. That majority being against it, I am against the first portion of the bill which is a retrograde measure which seeks to decrease the number of voters, as well as against the second part which seeks to increase the number. So we stand quits.

Question put. House divided. Ayes 21 : Noes 56. Motion lost.

### *Division No. 12.*

#### **Ayes**

AMBEDKAR, Dr. B. R.	KARKI, Mr. M. D.
ANGADI, Rao Bahadur S. N.	LIGADE, Mr. S. P.
ASAVALE, Mr. R. S.	PATIL, Rao Saheb D. R.
BECHAR, Mr. N. A.	PRADHAN, Mr. R. G.
BOLE, Mr. S. K.	SARDESAI, Mr. S. A.
GINWALLA, Mr. F. J.	SHIVDASANI, Mr. H. B.
HAJI MIR MAHOMED BALUCH, Mr.	SOLANKI, Dr. PURUSHOTTAMRAJ G.
JADHAV, Mr. R. V.	SWAMINARAYAN, Mr. J. C.
JITEKAR, Mr. HAJI IBRAHIM HAJI	SYED MUNAWAR, Mr.
MAHOMED	THORAT, Sardar S. B.
JOSEI, Mr. S. C.	VANDEKAR, Rao Saheb R. V.

*Tellers for the Ayes :* Mr. R. S. ASAVALE AND Mr. N. A. BECHAR.

#### **Noes**

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb	JEHANGIR, the Honourable Sir COWASJI
ADDYMAN, Mr. J.	JOG, Mr. V. N.
ALLAHBAKSH walad Khan Saheb HAJI	JONES, Major W. Ellis
MAHOMED UMAR. Mr.	KALE, Rao Bahadur R. R.
ANDERSON, Mr. F. G. H.	LALJI NARANJI, Mr.
ANDREW, Mr. T. A.	LALLJEE, Mr. HOOSKINBHAY ABDULLA BHAY
BALAK RAM, Mr.	MANSURI, Khan Saheb A. M.
BHUTTO, Khan Bahadur S. N.	MARTIN, Mr. J. R.
CHANDRACHUD, Mr. N. B.	MARZBAN, Mr. P. J.
CHIKODI, Mr. P. R.	MEHTA, the Honourable Sir CHUNILAL
DABHOLKAR, Sir VASANTRAO	MONTEATH, Mr. J.
DAWOODKHAN SHALEBHAY, Mr.	MUJUMDAR, Sardar G. N.
DESAI, the Honourable Dewan Bahadur	MUNSHI, Mr. K. M.
HARILAL D.	NAIK, Rao Bahadur B. R.
DESAI, Mr. J. B.	NANAL, Mr. B. R.
DESHPANDE, Mr. L. M.	NOOR MAHOMED, Mr.
DIXIT, Dr. M. K.	OLIVEIRA, Mr. F.
DOW, Mr. H.	PAHALAJANI, Mr. B. G.
GHOSAL, Mr. J.	PATIL, Mr. J. R.
GHULAM HAIDAR SHAH, Mr.	PETCH, Mr. F. W.
GHULAM HUSSAIN, the Honourable Sir	PETIT, Mr. J. B.
GHULAM NABI SHAH, Khan Bahadur	POOLEY, Mr. C. B.
HATCH, Mr. G. W.	PRADHAN, the Honourable Mr. G. B.
JATRAMDAS DOULATRAM, Mr.	RAHMTOOLA, Mr. HOOSSENALLY M.



**Noes—contd.**

RIEU, the Honourable Mr. J. L.

SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.

SMART, Mr. W. W.

SMYTH, Mr. J. W.

SURVE, Mr. V. A.

THAKOR OF KERWADA, the

THORNBER, Mr. J. P.

TURNER, Mr. C. W. A.

WEBB, Mr. M.

WILES, Mr. G.

*Tellers for the Noes : Sir VASANTRAO DABHOLKAR AND Mr. J. B. PETIT.***BILL No. XXVI OF 1927 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, No. III OF 1888)***(Motion for first reading)***Mr. S. K. BOLE :** Sir, I move that Bill\* No. XXVI of 1927

First reading.

(A Bill further to amend the City of Bombay Municipal Act, No. III of 1888) be read a first

time. Sir, this consists of three parts. The first part deals with reservation of seats. The second part deals with the re-distribution of seats for wards. The third part deals with the lowering of franchise. But as the question has been disposed of by the previous bill moved by the honourable member Mr. Asavale, I am not going to refer to it. Sir, the Bombay corporation as it is constituted consists of 106 members of which 76 are elected excluding one each for the Bombay Chamber of Commerce, the Indian Merchants' Chamber and the Millowners' Association and the Bombay University. Sixteen members are nominated by Government and 10 are co-opted. Though the number of backward communities and depressed classes is between 5 and 6 lakhs, in the present corporation there are only 7 elected members and 3 nominated members belonging to these classes. I am now going to give some figures in order to show the existing condition and I should not be understood as grudging that the other communities have got more than their fair share. The population of Hindus in the city of Bombay is 837,000 and they ought to get 52 elected seats. But as at present there are only 41 members or so. Mahomedans are only 184,000.....

**MOULVI RAFIUDDIN AHMAD :** Why "only?"

**Mr. S. K. BOLE :** When compared with the number of the depressed classes, their number is very small. As I said, I do not grudge their having more seats. The provision is already there and if they want to make still further provision, I am prepared to support them.

According to population, Mahomedans should have 12 elected seats, but they have got more than 20. The population of Parsis is 52,000 and they ought to have only 3 seats. (An Honourable Member : "Only.") They have got more than 20 seats. (Interruption.) They are intelligent, and clever at manœuvring elections. These figures will show how the members of the backward and the depressed classes are labouring under great difficulties and how they have to go without equitable representation. (An Honourable Member : What is the population of the backward and the depressed classes?) From 5 to 6 lakhs. It may be argued that

[Mr. S. K. Bole]

as their population is very large, they should be able to come in by election. But election means a great deal of manœuvring, manipulation and election tactics by the candidates, but the candidates of backward and depressed classes are novices in these things; they do not know how to get elected by fair or foul means. . . . . (An honourable member : By foul means ?) Foul means are adopted by some. Yesterday we were told that even liquor was served; and it is a fact that liquor is served by some capitalist members. The backward class candidate being a poor man cannot afford to serve liquor. . . . . (An Honourable Member : But he can drink liquor.) The backward and the depressed classes generally reside in the northern part of the city. It is there that all the mills and factories are situated, and when members of the capitalist class stand for election, it is well known how they carry the voters from their mills in large numbers in lorries to the polling station to vote for themselves or their nominees. These poor workmen, who belong to the backward and the depressed classes, are under the thumb of their masters, and it is well known that they are carried away to record their votes against their will for their masters or their nominees. (Mr. Hooseinbhoy Abdullabhoy Lalljee : But there is the ballot.) Yes; but they are afraid. They are also very honest and straightforward, and if they once give a promise to any person that they will vote for him, they will never break their promise. Now, what happens in the elections? When election takes place, there are several candidates and each and every one of the candidates is promised first vote at the time of co-option in the Bombay corporation, and so each one thinks he is sure to go through by co-option. Even a man like Mr. Baptista was defeated by this method. The last time he stood for election, he was promised that he would be given the first vote for co-option. What was the result? The promise was never kept by some of the members of the corporation, and able and qualified though he was, he was thrown out. That is the difference between the honesty of the poor people and the honesty of some of the members of the corporation. Again, in the general elections, vast amounts of money are required, as voters are required to be taken in motor cars and given refreshments and several other things. These poor men cannot afford to spend money like that. Even Mr. Mangeshrao Dabholkar, who happens to be a brother of Sir Vasant Rao Dabholkar, who is the gallant knight of the British Government, was thrown out in the general elections. If people of such big families are thus thrown out, what will be the fate of the members of the backward and the depressed classes? (Mr. Hooseinbhoy Abdullabhoy Lalljee : Who threw him out?) You ask him.

Mr. J. B. PETIT : Sir, are dialogues allowed ?

Mr. S. K. BOLE : Sir, if I am constantly interrupted. . . . .

The CHAIRMAN (Mr. B. G. Pahalajani) : The honourable member may disregard the interruptions and proceed.

Mr. S. K. BOLE : Sir, I may be asked why members of the backward and the depressed classes should be in the corporation. Sir, it is well known how the affairs of the corporation have been carried on up till

[Mr. S. K. Bole]

now. If the honourable members of this Council will visit the southern part of the city and the northern part of the city, they will be able to see how the affairs of the city are carried on. Compare the roads of the southern part of the city and the Queen's Road.....

Sir VASANTRAO DABHOLKAR : Sir, may I rise to a point of order ? I beg to draw your attention to the proceedings of 28th July 1924. When Mr. Nariman wanted to introduce his bill to amend the Bombay Rent Act, the Honourable the President drew his attention to Standing Order 3 of Chapter V :

"A motion shall not be moved which is inconsistent with any decision at which the Council has arrived at some stage of the business, or in the same session unless such decision has been arrived at a different stage."

It is only half an hour since the question of a five rupees franchise was thrown out by the Council. Is the honourable member in order in moving an amendment for the reduction of the franchise from Rs. 10 to Rs. 5 ?

The CHAIRMAN (Mr. B. G. Pahalajani) : The honourable member could have waited, because the Chair was going to rule that clause 6 of the bill was out of order. Clause 6 is out of order ; the rest of the bill is in order. Clause 6 deals with a matter which has just been voted on, but the rest of the bill is in order, and the honourable member may proceed.

Mr. S. K. BOLE : Sir, the honourable member Sir Vasant Rao Dabholkar has surprised me by his point of order. I was not.....

The CHAIRMAN (Mr. B. G. Pahalajani) : The honourable member may proceed now without further remarks on it.

Mr. S. K. BOLE : Sir, I was going to point out that the affairs of the city are not carried on in the interests of the poor classes, as they ought to be. There is a wide difference between the northern part and the southern part of the city in the matter of roads, drainage and lighting arrangements. There are several other grievances. In the services of the corporation these classes are not represented according to their population, and unless the members of these classes are on the corporation in adequate numbers their grievances will never be attended to. Take the case of primary education. The sufferers are the members of the backward and the depressed classes. They have applied the Compulsory Primary Education Act only to F and G wards, and the other wards have not been given any attention. And therefore representation of the backward and the depressed classes is required. In the statement of objects and reasons it is stated :

"It has been a matter of bitter experience that in a general election the representatives of the backward and depressed classes are nowhere and in their absence there is hardly any one to pay heed to the grievances of these unfortunate classes. To do away with such a sad state of affairs the bill proposes a scheme of reserved seats in the interests of these two classes. However in setting apart seats for these two classes particular care is taken to preserve as far as possible the number of seats that are at present filled up by nomination and co-option each one-half and adding to the seats that are filled up by election. The result is that notwithstanding the reservation of 18 seats for the backward and the depressed classes there remain under the new scheme 71 free seats."

[Mr. S. K. Bole]

So 18 seats are reserved for the backward and depressed classes and 71 seats will be open to the others. In support of my statement I will just state why this reservation is required. It is very difficult for members of the backward classes to get elected in the general election and therefore reservation of seats is required. The principle of reservation is accepted by this Council as well as in the municipalities and local boards. My submission therefore is that this principle should be admitted in the case of backward and depressed classes in the city of Bombay. Unless reservation is given to them there will not be an adequate number of members belonging to these classes on the corporation.

Then, Sir, it was stated that members of these classes are seeking nomination. They do so because they find it difficult to come in by election. I appeal to the honourable members of this House to give them this indulgence and they will never seek nomination in the case of the corporation. If you do not want them to come by the backdoor, some allowance ought to be made to get them elected to the corporation by the front door.

As regards the second part of the principle in the bill, namely the redistribution of wards, I may say that these wards were first set up I think thirty or forty years back and the wards also require to be redistributed. But I do not touch that point now. Just now I would be satisfied if the seats allotted to each ward are redistributed. Since the time Sir Chunilal Mehta and Sir Cowasji Jehangir were in the corporation this question has been engaging attention. They were themselves thinking of doing this. A committee was appointed. But the vested interests are there and the members of particular wards who have got more seats than they deserve do not want to part with what they have got. They will never agree to doing so. The Honourable Mr. V. J. Patel when he was president of the corporation was a hard task master. He made the committees work day and night, still he was helpless before this committee which was appointed for the redistribution of seats per ward and it was only in the year 1925 that a fresh resolution was passed by the corporation. This resolution is dated 23rd of April 1925 and it runs thus :

“That in the opinion of the corporation it is desirable for the purposes of municipal election that the number of wards should be materially increased and the seats allotted to them redistributed on a more equitable basis and therefore the corporation appoints a committee of members to be named at the meeting to investigate the question in all aspects and to make recommendations within a fortnight.”

Now, this committee was asked to report within a fortnight and it is now two years, still the report is yet to come. I therefore appeal to the honourable members of this House to come to the help of the poor classes. Unless they do so, no justice will be done. At present the seats are allotted in this way. In the A ward the population is 74,000 and at present they are allowed 12 seats. My proposal is to give them 7 seats according to the population. In the B ward the population is 1½ lakhs and they are allowed 16 seats. My proposal would give them 11 seats. In the C ward the population is 2 lakhs and they have at present 16 seats. In my scheme I have retained the same number.

[Mr. S. K. Bole]

In the D ward the population is  $1\frac{1}{2}$  lakhs ; they have got 10 seats and I have given them 12—2 more. In the E ward the population is  $2\frac{3}{4}$  lakhs ; they have got 10 seats at present. I have proposed 18 seats for this ward. In the F ward the population is  $1\frac{1}{2}$  lakhs and they have at present 6 seats. My proposal is to give them 12 seats. In the G ward the population is  $1\frac{3}{4}$  lakhs ; they have 6 seats and my proposal is to give them 13 seats.

This proposal is based on a more democratic basis. Mr. Baptista in a letter in the " Bombay Chronicle " dated the 18th July 1922 says :

" In several modern constitutions the number of seats keeps pace with the population. The basis of distinction is population and not the number of electors. "

That is the opinion of Mr. J. Baptista, about whose qualifications I need not say anything. So, the basis of population is a more democratic and a more equitable basis.

Now, I have also to point out that in this case the corporation will never come to any conclusion because of vested interests. Those who have got more than their due share will be never willing to part with that share. So, there will be no end to this matter unless the help of legislature is taken. I therefore hope that the first reading of this bill will be unanimously passed.

The Honourable the PRESIDENT : The question proposed is that Bill No. XXVI of 1927, a Bill further to amend the Bombay City Municipal Act, No. III of 1888, be read a first time. And it must be pointed out that it has been ruled that clause 6 of the bill is out of order, and, in consequence, the last sentence of clause 7. Therefore, these two do not form part of the bill.

Sir VASANTRAO DABHOLKAR : Sir, I rise to oppose the first reading of this bill. (Honourable Members : Hear, hear). I am glad to see, Sir, that honourable members from Ahmedabad and Gujarat are supporting me by saying " Hear, hear, " and I should like to draw their attention particularly to the most selfish object of the honourable mover of the proposition which is contained in clause 4 of the bill. . . . .

Mr. J. C. SWAMINARAYAN : Is the honourable member in order in calling an honourable member of the House selfish ?

The Honourable the PRESIDENT : He means the selfish object of the bill.

Sir VASANTRAO DABHOLKAR : My remarks will be quite clear to my honourable friend sitting opposite (Mr. Swaminarayan). Sir, I beg to draw his attention to clause 4. There the honourable mover is defining the backward classes and the depressed classes as Marathi speaking, as if there are no Gujarati Dheds speaking Gujarati and he leaves their lot to the tender mercies of the Honourable Minister, in other words, Government. Is it not selfish, will my honourable friend, Mr. Swaminarayan understand it ?

The Honourable the PRESIDENT : Please address the Chair.

Sir VASANTRAO DABHOLKAR : Does the honourable member like the Gujarati Dheds, in these days of democracy, being tried by a member of the backward classes to be excluded ?

Mr. J. C. SWAMINARAYAN : I think he will have no objection to add those words in the bill.

Sir VASANTRAO DABHOLKAR : It is not a question of objection. It is a question of motives and aims of the honourable mover of this bill. However, Sir, this is only the beginning. Now, Sir,.....

Mr. S. K. BOLE : Sir, it has been made very clear in the bill that :

“ For the same purposes Depressed Classes shall mean persons belonging to any of the following castes, namely, the Mahar, Chambhar, Mang, Dhed and Bhangi castes.”

An Honourable MEMBER : Marathi speaking ?

Mr. S. K. BOLE : No. I have used the words “ Marathi speaking ” only in the case of the backward classes, not in the case of the depressed classes.

Sir VASANTRAO DABHOLKAR : Now, Sir, coming to the question of the clauses of the bill, first I will take the schedule, and the honourable member has taken upon himself the task of giving a representation of 7 seats to “ A ” ward in the city of Bombay, a ward which has a population of 74,000. But my honourable friend does not understand how many people do come in the Fort during the business hours. Has he got any statistics as regards people coming into the Fort for business ? And where the corporation after mature consideration gives 12 seats to A ward there he has put down 7. But he has not forgotten about the backward and depressed classes,—I hope they are Marathi speaking. May I know what the backward classes have to do in the “ A ” ward ? The backward classes more or less stay in the north of the island, the majority of them. Even assuming that some of the backward classes are there, in the “ A ” ward, may I know why the honourable member is reducing the number to 7 when the corporation has given 12 ? If he wants, he should add. Now, I come to ward “ B.” In “ B ” there is a population of 1.14,000. There the honourable member is giving only 16 seats. At the same time he forgets that the Dana Bander people, who may not be staying at Dana Bander, do come during the business hours. When they come during the business hours there, what is the population in “ B ” ward ? Nearly 2,00,000. Now, leave that alone.

Then, coming to his own ward, “ F ” and “ G ” wards, with a population of 1,50,000, instead of six seats, there he wants double number.

Mr. S. K. BOLE : Population basis.

Sir VASANTRAO DABHOLKAR : If he wants population basis for “ F ” and “ G ” wards, why should he not apply that basis to “ B ” ward and give one seat more ? Sir, over and above that, out of the 89 elected seats, my honourable friend wants 18 to be reserved for depressed and backward classes. Then, Sir, coming to the question as regards the Parsis living in the north coming in the last election of the Council by two, it is said that they can afford to come by manoeuvring and that they came in the last Legislative Council from the north and the

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south two each. But he must understand that in the north of the island there are very few Parsis, perhaps there may be a large number in "A" ward. If the candidates are wanting in intelligence, their own people will not support them; such is the case with the backward classes. Now, I will give an instance. In the corporation there are 6 members co-opted, and there are at present nearly 10 members from backward classes out of a total of 106. But these solid 10 members cannot co-opt one member out of the 6 seats. May I know why? At the same time, I can give another instance. Out of the 6 Europeans who are in the corporation, they can co-opt one European, but, as there is no organization among the backward classes, though they are 10 in number, they cannot co-opt anybody. On the corporation they could surely have co-opted at least one. But those who can co-opt have got no confidence in their candidates. Then, coming to the question of Mr. Baptista and the dishonesty of some voters for which Mr. Bole had charged some of the members of the Corporation has failed, in his statement to this House and so it is a misleading one. Mr. Baptista was not thrown out because of any one's dishonesty, but his own community did not stand by him. There were eight or nine Christians and surely Mr. Baptista would have come in if they had helped him. So, I do not see where the question of dishonesty arises. Sir, in these days of democracy, when democracy is so much talked of, my honourable friend wants reservation. May I know for what? As a matter of fact, I know that during the last Legislative Council elections I had to help a friend of mine, who, I am glad to say is present here to-day, I mean to refer to Mr. Marzban. He wanted to stand from the south for this Council. I wanted to help him. I wanted to see whether my tenants had registered their names as voters but I found that out of a large number only 10 names had been registered on the electoral roll. Does it not show that although the franchise has been reduced to Rs. 10, people do not care to exercise their right of vote and they do not care to have their names registered. If candidates anxious for election do not take the trouble to see that the people entitled to vote get their names registered on the voting list, who is to blame? Yesterday I said that the number of voters under the 10 rupee franchise was 1,40,000. It was corrected as being two lakhs by the nominated member for Labour Mr. Munawar and now after a fresh roll is prepared for the fresh election now due 1929 probably the figure may go up to three lakhs.....

Mr. R. S. ASVALE : All bogus votes.

Sir VASANTRAO DABHOLKAR : The honourable member who used the word "bogus" is himself "bogus." I am sorry that he used that word and called the voters of the city of Bombay bogus voters.

It has been complained that it is always the capitalists who carry away the elections, but my honourable friends forget that the elections are by ballot.....

Mr. S. K. BOLE : May I point out that the Municipal Commissioner in his letter dated 12th April 1927 gives the figure as 1,19,679 as the

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number on the roll of 1927 ? It is not two lakhs as mentioned by Sir Vasantao.

Sir VASANTAO DABHOLKAR : I am glad that the figure has been given by the honourable member as 1,19,679, but that shows his ignorance of the number of voters in B ward. Does he know what is the number of voters in B ward alone ? And for what month is the Commissioner's figure applicable ?

Mr. S. K. BOLE : April 1927.

Sir VASANTAO DABHOLKAR : We are now in the month of October.

Mr. R. S. ASAVALE : On a point of information, Sir.

The Honourable the PRESIDENT : If the honourable member Sir Vasantao yields.

Sir VASANTAO DABHOLKAR : I refuse to yield because the honourable member Mr. Asavale did not yield yesterday. I return tit for tat.

As regards this question of the voting strength of Bombay, my friend is still maintaining that there are only 1,19,000 voters. The figure of 2,00,000 was given to me by no less a member than the nominated member for Labour Mr. Syed Munawar, yesterday evening after I had made my speech. If that figure is incorrect, it only shows to what extent we can depend on the accuracy of the statements made by honourable members nominated to represent labour. If we are going to have representatives of the labouring classes who give us incorrect information, would it be right to give them reserved seats (Laughter) ? If we give them reserved seats, they will create more mischief than they are doing now. I say for all these reasons that far from attaching any importance to a bill of this character, we should not do it even the honour of a glance but we should throw it out unceremoniously.

Rao Saheb D. R. PATIL (East Khandesh District) : Sir, I beg to move the following motion :

The consideration of this bill be postponed to the next session.

The only object with which I move this motion is that if we look to the present atmosphere of the Council and the spirit in which speeches are being made, I think we must wait for some months for the temperature to cool down a bit so as to allow this matter to be considered in a dispassionate manner. I believe my honourable friend Mr. Bole will not object to this motion. By accepting this motion there will be one more advantage gained. As there will be more speeches on this question without any fruit we shall, according to my humble opinion, be saving valuable time of this House. There are several subjects before this House which deserve consideration and I think it is better also in the interests of the tax-payers that we should be saving some money if we could finish our business soon. For these reasons, I move that the matter be postponed to the next session.

The Honourable the PRESIDENT : Is there any opposition to it ?



Sir VASANTRAO DABHOLKAR : I rise to oppose it, Sir.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I too oppose the motion for postponement. This bill affects the interests of the labour population of Bombay. My honourable friend Mr. Bole has been calling himself all these years a representative of labour. Labour includes both Hindus and Mussalmans. This bill is likely to cause serious dissensions in the ranks of labour, and therefore I think that we should throw this bill out unceremoniously.

Question put and lost.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir; I rise to oppose the bill moved by my honourable friend Mr. Bole. I am very sorry that he should have brought forward a measure of this character. In the first place, I see that he tries to restrict the operation of this bill to backward Hindu communities only. He must agree with me that Bombay's labour population contains both Hindus and Mussalmans. My honourable friend Mr. Bole has been posing as a representative of labour both in the Bombay municipal corporation and in the Legislative Council. I never knew that he represented only Hindu labour and backward classes. Here in clause 4 of his bill he clearly limits the expression "backward classes" to various backward Hindu communities. I need not say more about this now.

Leaving aside the good relations prevailing between the Muslim labour and the Hindu labour of Bombay and between these two communities, the feeling between all the communities of Bombay at present and up to now has been very good. It is for this reason that the Bombay municipal corporation has got a mixed electorate which exists nowhere else in India. To this important fact I invite special attention. Are you going to upset this without consulting the people of Bombay? Has the honourable member Mr. Bole placed before the House the views of any public meetings held or the views of the Bombay municipal corporation on this vital question? I ask him, is it prudent, is it right at present to introduce this sort of feeling and to create ill-feeling?

My honourable friend Mr. Bole makes much of the allotment of seats on the population basis. He has been a member of the corporation for many years. He knows very well that in the allotment of seats not only population basis but several other important factors are taken into consideration whether in the case of nominations or elections to the Bombay municipal corporation or to the legislative Council or to the Legislative Assembly or the Council of State. We have got to depend upon industries for the welfare of Bombay. We have got to depend upon trade and commerce for the prosperity of Bombay and it must not be forgotten that the revenue of the Bombay municipality is nearly  $3\frac{1}{2}$  crores of rupees per annum, and that a large portion of that revenue is derived from industry and commerce. It is these factors which contribute largely to our revenues, and it is due to these revenues that we can do what little we have been able to do for the good of the people. Large open spaces, a continuous water supply, the drainage schemes, all these have involved the corporation into a debt of nearly 16 crores of rupees, and we can only meet this debt if trade, commerce, and industry prosper in the city of

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Bombay. Furthermore, I would like to draw the attention of my honourable friend Mr. Bole to the fact that, out of this population of 4 or 5 lakhs of the backward classes, 3 lakhs or  $2\frac{1}{2}$  lakhs at least belong to the labouring classes, who depend upon the mill industry and the docks. If the mill industry does not prosper, as it does not at present, that population must dwindle. They cannot afford to remain in Bombay, and if he does not wish that these commercial interests should be represented on the corporation, I do not know whether he will be able to come before this Council very soon to say that the population of the backward classes in the city of Bombay is 4 lakhs. Already, nearly 10 mills out of 80 have closed down, and I am sure the result of that closing down will be that 20,000 labourers will go out of Bombay. Twenty thousand labourers means 20,000 families; that means practically 80,000 to a lakh of people out of Bombay, and if that is the condition which prevails at present, I do not know how soon the population of Bombay will go down. After the census of 1921 I am sure the population of Bombay at present is not what my honourable friend Mr. Bole says it to be, especially in those wards for which he wants more representation. I ask him to deny the fact that as a result of the closing down of 10 mills, the population in E, F and G wards is not reduced by 80,000. How can they afford to remain in Bombay without employment?

Mr. S. K. BOLE : The Municipal Commissioner's statement is there.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : That is on the basis of the census; but what is the population at present?

Rao Bahadur R. R. KALE : I rise to a point of order. This is the first reading, and the principle is to be discussed. The principle is the reservation of seats. I think the discussion is going rather into details of population.

The Honourable the PRESIDENT : The honourable member understands of course that he has to discuss the principles of the bill, and not go into details which would be outside that limit.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : I am going to prove that the seats allotted on the basis of population are not correct, that the population does not exist, and also the fact that it is not wise to allot seats on a population basis and other considerations should also prevail.

Well, Sir, then my honourable friend Mr. Bole has said that the corporation is not moving in the matter of education. Now, the corporation has resolved that free and compulsory education should be applied not in A, B and C wards, but in E, F and G wards, at any rate first in F and G wards which comprise the great majority of the labour population. In E ward there may be a few, but not all. Therefore, I cannot understand the insinuation that the Bombay corporation is not looking to the welfare of the labouring classes. The whole question in this respect is one of money. The corporation are spending lakhs of rupees on compulsory education, and they have introduced it first in F and G wards. They are not able to do more at present since

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Government are not helping them. How can the honourable member blame the corporation for not introducing compulsory primary education?

Mr. S. K. BOLE : They have done it now only.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : The corporation have all along been doing it, and even now, if it is not extended in all the wards, it is because they have no money ; it is not their fault. The corporation are doing all they can, and lakhs of rupees are spent on education in E, F and G wards. (Interruption).

The Honourable the PRESIDENT : Order, order. The honourable member will have his chance when he replies.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Then, my honourable friend Mr. Bole has said that we are not incurring any large expenditure on Development of congested areas. That may have been some years back, but what is our condition at present ? Lakhs and lakhs are being spent on Dadar. The greater portion of our debt is due to the Dadar and Mahim schemes. We are undergoing all this taxation on account of the development of Dadar and Mahim. How can he blame us for doing what we have done ? The main roads in Mahim and Dadar, everybody will agree, are almost equal, and in some ways better than even Queen's Road. Somebody mentions the Cadell Road ; it is the main road, the great artery and the finest and longest road in Bombay passing through from Worli right up to Mahim.

Then, Sir, I come to what my honourable friend Mr. Bole said about my friend Mr. Mangesh Dabholkar. He was thrown out from G ward, which he just said was a Labour ward, and my friend Mr. Bole, if I am right, was thrown out from that ward more than twice. He is the only lucky gentleman.....

The Honourable the PRESIDENT : There again, I think the honourable member is digressing. I think the point of order raised was very pertinent. Let the principle that this bill is aiming at be discussed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : The honourable mover went into the details and showed his justification for the change he is advocating, and I am going to show that the figures that he has placed before the House are not correct, so far as I am concerned.

With regard to the Muhammadan elected members, I can tell my honourable friend Mr. Bole that they are only 13. There are only 13, and it is only due to nomination and co-option that our number has gone up to.....

Mr. S. K. BOLE : Still you have got 13.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Yes, still we have got 13, and with a population of 2 lakhs.

My honourable friend Sir Vasantao clearly said that there are 10 backward class members, and they could not return even one co-opted member. When they did not find any one fit, they did not return any.

In conclusion, Sir, I think there is no justification now to create reserved seats for backward classes. I think, Sir, this Council would be wise in throwing out the first reading of the bill.

Mr. P. J. MARZBAN (*rose.*)

The Honourable the PRESIDENT : Mr. Marzban may speak when we meet again after tea.

Before the House rises, I must inform the House of one thing. The Honourable the Leader of the House has reported to me, as the Chairman of the select committee on the Small Holdings Bill, that two of the honourable members who were appointed on the select committee, namely, Mr. Munshi and Mr. Chikodi have resigned. I have, therefore, under the power given to me, appointed honourable members Mr. Gunjal and Mr. Pataskar to serve on the committee.

(*After recess.*)

Mr. P. J. MARZBAN (Bombay City, South) : I am sure that this House will not feel any very great difficulty in extending to the honourable mover of this bill the same courtesy which the House has extended to the honourable member Mr. Asavale. I will not waste much of the time of the House in replying to this bill, because one thing is quite apparent that this House is not in a mood to accept it. But the honourable member Mr. Bole made one or two remarks on this bill which require a reply and I will deal with them.

It is only the supreme self-confidence of my honourable friends from the backward and depressed communities, it is the supreme estimate which they have for their own powers, for their intelligence and for their brain to do something extraordinary for the welfare of the public life of this presidency that they, in season and out of season, clamour for more seats and more seats. I will not say anything more about it than what I have already said in the corporation. But, Sir, one question I want to ask them whether they are logical. If they have so much self-confidence in their own powers, in their own intelligence, in their own number and in their ability to work wonders in the public life of this presidency, why should they want to reserve seats, and why should they not come out and fight in the open election ? This is a question I am not able to solve. I hope some honourable members of that community will be able to give an answer. Then, Sir, the honourable member Mr. Bole wants that there should be 18 gentlemen of his community in the corporation. What he deplored was that in spite of the fact that the population of the Parsis was only 50,000 there were 19 Parsis in the corporation ! He was gracious enough to grant us three seats ! I am very thankful for the honourable member Mr. Gole for this huge condiscension on his part. (An honourable member : Mr. Bole.) I am sorry ; but Boles and Goles are so mixed up.... (Mr. S. K. Bole : That is the mentality.) I ask Mr. Bole without any attempt at vainglory or false pride what would be the result if you have only three Parsee members on the corporation. I ask, Sir,—(I hope nobody will take it as self-adulation)—does not Mr. Bole know what part the Parsis are playing in the administration of the corporation ? The part they are playing in the corporation warrants their existence there in such large numbers. Now, it seems to me that the honourable members Mr. Asavale and Mr. Bole have a regular horror for nomination. Mr. Bole wants to

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restrict to 8 the seats now provided for nomination ! The honourable member Mr. Asavale does not want to be a member by the back door of nomination ! (Mr. R. S. Asavale : Still I do.) May I ask the honourable member Mr. Asavale why he accepted nomination on the standing committee ? He was very keen and very anxious to get a nomination on the corporation too, after his defeat at the general election. (Mr. R. S. Asavale : Because we are not in a majority.) I say, after he was defeated on the polls he was keen about getting a nomination ! I ask the honourable member Mr. Bole whether he would have been either in the Council or in the corporation but for nomination ? Without any gratitude he runs down nominations which Government reserve in the hands of the backward and depressed classes to see that the interests of any community are not jeopardised. I hope, Sir, in future they will not run down nominations. I do submit that the Government are as much interested in the welfare of the Presidency as any one of us ; and so I do not see why these gentlemen should now come forward and say " Oh ! Government should have only 8 seats to nominate."

Now, Sir, as to the redistribution of seats : the honourable member Mr. Bole has been gracious enough to allot 7 seats for the Fort ward, the constituency which I have the honour to represent in the corporation. I will not waste any time of the House by quoting the proposed figures for other wards. But let me say that the Fort ward contains the intelligentsia of the Bombay city ; it is from the Fort ward that most of the trade and industry of Bombay is directed, and the industrial and economic prosperity of the city mainly depends on that ward. Government have therefore sagaciously allotted 12 seats to the Fort ward. That ward has always been represented on the corporation by men who have taken not a mean part in its activities. This question of re-distribution of seats has come before the corporation more than three times, and more than three times the corporation has, with an overwhelming majority, turned down any question of re-shuffling of the seats. They have tried to lessen the number of seats given to the Fort ward, but the corporation—let me say to its credit—has not supported the proposal. Without further remarks I appeal to the House to put a stop to this.

MOULVI RAFIUDDIN AHMAD (Central Division) : Mr. President, I had no desire to take any part in this debate, but I have to make a few observations on the remarks that have been made by the mover of this bill with regard to the Muhammadans and with regard to the middle classes. Sir, I think the honourable mover of the bill is rather inaccurate in regard to the number of Muhammadans. I know he has quoted the census figures ; but the census was taken at a time when the Khilafat movement was going on and a large number of people thought that they would be assisting Government if they filled up the forms and therefore they did not fill up those forms. My honourable friend will find that the population of Muhammadans in Bombay is much larger than what he has quoted. Besides, the depressed classes and the labouring classes in Bombay are a floating population ; sometimes they go back ; sometimes they come in. Therefore it cannot be said that they are a permanent population.

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However, even taking all these things into consideration, I do sympathise with him in his view that more representatives of the backward communities should come forward. But I would give him the advice that Sir Pherozezshah gave us, and that is that it is not always the numbers that count, but quality. Sir Pherozezshah, without the other Parsis, was powerful enough in the corporation to carry anything he liked. So, I would advise my honourable friend Mr. Bole to look to the quality that gets into the corporation. I know he is an eminent member of his community, and his calibre is not as has been alleged by the gallant knight. I think by his simplicity and inherent weight he is able to carry everything. I would advise him therefore to look to the quality. I would advise him to educate the people. Look at the history of England. You know that before 1832 there were hardly any members of the lower middle classes in the Parliament, which was entirely in the hands of the upper middle classes. It was not till 1867, when the franchise was lowered, that the lower middle classes were able to find a place there. See how long it took for them to come up. It is only recently that the labouring classes have established themselves in Parliament. It took them fifty years of education. Now, the right thing for us is to educate the people and then agitate for more seats. I do not think that more seats is always good, because we have ourselves seen that mere numbers do not carry the day.

Sir, it has been pointed out that the constituencies are corrupt; if so, the central seat, the corporation, must be to a certain extent corrupt. The quality of the electors will be reflected in their representatives. Therefore, I do not think that that is a strong argument in his favour. He might say "let us have universal adult franchise, let every man have the right to vote." Does he really think, as a serious politician, that it will do any good? I think the Honourable Minister is blamed by a large number of people, especially of Bombay, for lowering the franchise in Bombay. I think he has gone as far as he possibly can. With regard to the reservation of seats, when the franchise was lowered the Honourable Minister pointed out that if the Marathas organised themselves they would be able to return more representatives.

I may also point out that the labouring classes also contain Muhammadans; the labouring classes are not drawn exclusively from the Hindu population. So, we have also to educate them. Our labouring class is not superior to the Hindu labouring class in any respect. Therefore, I would advise him not to make enemies. It is not a wise policy for him to alienate the feelings of the Muhammadans, Parsis and other small minorities and to say that they are manœuvring elections. We all manœuvre elections in our own way. An honourable member said the other day that we elect Parsis in Bombay because they are clever men or because they have given so much in charity. The honourable member Mr. Bole tells us that they are a manœuvring class. I do not think that either of them are correct. The truth lies possibly between the two. The Parsis are elected for their qualities, and mind you they are centred in Bombay.

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With regard to the over-representation of Muhammadans that he alleged, he must remember that we have no separate electorate in Bombay; we come in owing to the good feeling of and neighbourly relations with the other communities. You should also remember that before the British Government came, all that land of Bombay belonged to the Muhammadans and a large number of them were settled there. They were the people there.

I think we have had enough discussion on this subject, and I do not think it would be wise for the honourable member Mr. Bole to carry this bill to a division. This has become a hardy annual. I would advise him to withdraw this bill.

Mr. L. M. DESHPANDE (Satara District): Sir, this bill affects the city municipality and I had no mind of speaking on it, but I think it would have been better if the university bill had followed the discussion on this bill. We find that a cry was made that the nominations should be increased from 40 to 50. But here we see quite the reverse is the case, and the honourable mover wants to reduce it from 16 to 8. What difference is there as to principle between the corporation and the senate that it should be necessary for us to reduce the number of nominated seats in the one and to increase it on the other? I also think that Moulvi Saheb said that nominations were necessary for the senate and now he comes forward and says that quality should be taken into consideration and not the quantity. I therefore want the honourable the mover to explain how he makes the distinction between these two.

Mr. R. S. ASAVALE (Bombay City, North): I had also no mind of speaking on this bill, because I have already spoken on my bill. I will therefore be very brief. The present bill seeks to achieve two objects: first is the redistribution of seats in the different wards and the second is the reservation of some seats to people of the backward and depressed classes. At present as the Act stands you will find there are 76 elected seats allotted to all the residents of the City of Bombay. Sixteen seats are for nominated members and 10 for co-option from amongst the elected and nominated members. From the co-opted members on the corporation you will see that there is no one from these communities for which the reservation has been sought for in this bill. That is why I had brought in my bill in order that all these communities may be able to send some of their representatives on the corporation through election. When that question came up before the House for discussion yesterday everybody opposed it though it was not meant for any one community. My friends who advocate now against the cause of these communities come and say you have made this a communal thing. My bill was not at all communal, it was for the benefit of all, Marathas, Muhammadans, Brahmins and Parsis, etc. Are there not poor Parsis who are paying Rs. 5? There are many. But friends like the honourable member Mr. Marzban.....

The Honourable the PRESIDENT: Order, order. The particular clause about the reduction of franchise has been deleted in this bill also

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and the question which the honourable member is referring to has also been decided upon. Therefore any reference to that or argument in that behalf would be out of order as that question is not before the House.

Mr. R. S. ASAVALE : I only want to show why this proposal should be supported. Otherwise, I would have been the first man to oppose this bill which seeks to give reservation to certain communities. If you refuse to give them any reservation or a right of vote by reducing the franchise how are these communities to get themselves elected? There is no ground whatever. That is my point. I know what would be the fate of this bill, when such a good bill as mine has such a bad fate. I do not see any reason why the honourable House should feel shy to give some representation to the communities who are few in numbers as voters. They would not bring down the corporation hall but instead be of great use to the city of Bombay. With these few words I support the first reading of the Bill.

Rao Bahadur S. N. ANGADI (Belgaum District) : Mr. President, I rise to support the first reading of this bill. I am really surprised at the attitude of most of the honourable members. I have no doubt that this is a democratic body and so I thought that most of the honourable members would not so easily go under the arms of the Bombay capitalists. The underlying principle of this bill is that there are nearly 6 lakhs of people belonging to the backward classes and representation for such a large number of people is only 10 on the corporation. It is obviously a very meagre representation and all that the bill seeks to do is to ensure increased representation in certain wards which are not properly represented and to decrease the seats allotted to others where a larger number of seats should not have been provided. That is in short what the bill proposes to do. Now the question is this, whether it is fair that such a large population should be ruled by communities whose percentage in the general population may be about 2 to 3. Is it fair, in these democratic days—whatever may be the reasons—it may be that the backward classes are very backward having no education or that their calibre may be inferior to that of the advanced classes—that their vast mass of population should be ruled with an iron hand by a handful of capitalists? It is very natural that the backward classes should desire to be ruled by their own people. It may be that their own people may be less intelligent than the capitalists and it may be that the capitalists may have done them more good in the past, but there can never be a good substitute for self-government. We are trying to curb their natural feeling for being ruled by their own people rather than the capitalists. Sir, it is exactly for this reason that the honourable member has brought forward this proposition and I think it is being entirely misunderstood. I know also the Parsi community has done a lot of good; they have given a lot of money to various charities and the whole of India has reason to be grateful to this community. But that is no reason why the masses should be held in bondage for all time to come. It is a natural feeling which ought to be encouraged rather than discouraged. I have carefully listened to the speech of my



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honourable friend Sir Vasantao. He appeared to admit the principle of the bill. But he quoted certain figures to show that the seats allotted by the honourable member in this bill were not correctly allotted. If there is any mistake in the distribution of these seats it can be amended in the select committee, but that is no reason why the honourable member Sir Vasantao or a man of his calibre should oppose the first reading of this bill. I think, Sir, the House should have the decency to allow the first reading of this bill. This House, which is almost entirely democratic in composition, should not insult itself by allying itself with the capitalists of Bombay. There has been much adverse criticism hurled against what is called the reservation of seats. This is allowed in larger bodies. It is allowed in this Council. It is also allowed in local bodies. If in the case of a larger body this principle is allowed I do not see why it should not be allowed in the corporation. We know the capital is powerful and these poor classes cannot compete with money. Money is admittedly all powerful. It is only because of the handicaps that it is impossible for them to get themselves elected and to assert themselves and it is only because they are feeble to stand on their own legs that they ask for this special reservation. Do we not ask for the encouragement of indigenous industries? Is there anybody here who would say that we are fit to compete with the world so far as industries are concerned? Do we not demand protection on the plea that without substantial subsidies from Government our indigenous industries will not thrive? Do we not blame the Government for having dragged us into the vortex of world-competition? Is it not for want of special protection that we are hit hard industrially? If Government's protection by raising tariff-walls against foreign commodities is absolutely necessary to make our own industries thrive, it is more so in the case of depressed and backward classes who have been neglected in the past. For these reasons, Sir, I strongly support the first reading of the bill. It is exactly for this reason that these masses and poorer classes ask for a special concession. A time would certainly come when they themselves would throw it off. But now, as it is the beginning, there is no reason why this honourable House which is democratic in its composition, should deny this concession to this movement in its very birth. I, therefore, do not see either logic or reason in the arguments of the capitalists like the honourable member Sir Vasantao and others. I therefore think that the House should allow the first reading of this bill.

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Sir, so far the city of Bombay is the only city which has done without communal representation, the reason being that the citizens of Bombay live in brotherly spirit and, therefore, no need has been so far felt for communal representation in the city of Bombay. I therefore do not know the reasons that have actuated my honourable friend the mover of the bill to bring forth, for the first time, the question of reservation of the seats for the backward communities. Sir, he wants to have reserved seats for the backward classes, and there also, Sir, he makes communal divisions, Hindus and Mahomedans. He wants to have seats only for

[Mr. Hoosenally M. Rahimtoola]

Hindu backward communities, and not for the Mahomedan backward communities. Then, among the Hindu backward communities also he wants to sub-divide them into Marathi-speaking and Gujarati speaking, and he does not want for the others. I do not think there is any necessity for having reserved seats in the city of Bombay, where all the communities live together in a friendly and brotherly spirit, and to introduce this spirit in the city of Bombay would be quite undesirable.

The second principle of the bill is for distribution of seats in the different wards, and that, Sir, he bases on the ground of population, on the population basis as in the census report. Now, Sir, he accuses the Bombay corporation of avoiding this question. I may inform him—probably he knows it very well—that a committee of the corporation has already decided to increase the number of members in the F, G and E wards and to make alterations and to submit a representation to Government in that behalf. The matter is shortly going to come before the corporation for their final decision, so that, before the next elections this change will come into force to a certain extent, as desired by my honourable friend. As regards the population basis, he wants to reduce the representation for A and B wards on the ground that the population in those wards is less than in other wards. Here I may point out a fallacy made by him, and that A and B are commercial wards. That is to say, even people living in other wards, D, C, F, etc., come for trade purposes in A and B wards. That is the reason why, though many of these people pass their whole day for business purposes in A and B wards but reside in other wards, the population of A and B wards appears less apparently than it really is, though it is very large during day-time as mentioned by me. Sir, the basis of the census report is also faulty, because a proper census was not taken at the time during non-co-operation days.....

An Honourable MEMBER : Whose fault was it ?

Mr. HOUSENALLY M. RAHIMTOOLA : Fault of the people. As regards the number of voters, my honourable friend the mover complains that the number of voters on the roll is small. That is also the fault of the voters. A large number of voters have not got themselves enrolled, nor have their leaders taken care to get them enrolled on the rolls, and that is one of the reasons why the number is smaller than it really ought to have been. I understand from one of the representatives of labour, Mr. Syed Munawar, that the number of voters ought to be 2,00,000 or more. (Mr. R. S. Asavale : He does not know the A B C of voters' list of Bombay City). I am told by another representative of labour that the honourable member I referred to does not know the A B C of voters. Well, they can settle the dispute among themselves and decide. Under these circumstances, Sir, I submit that there is no necessity for this bill at present and the House will throw it out.

Mr. F. J. GINWALLA (Bombay City, North) : Sir, I rise to support the first reading of this bill. In this bill, as pointed out, there are two principles. The first principle is the reservation of seats and the second

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principle is the population basis. Now, Sir, as regards reservation, I may draw the attention of the honourable members of this House that in the corporation as at present constituted, there are three methods in which members are returned. The first is election; the second is nomination; and the third is co-option. And my honourable friend wants to introduce this further method of reservation which has been observed and introduced in the election of members of this House, the Legislative Council. If that principle has been approved and adopted for the Legislative Council and found to be convenient for the purpose of giving adequate representation to those who are suppressed and backward classes, it is only reasonable that similar representation may be given to those classes in the case of municipal elections until such time as they may be quite advanced to join the general electorate, until such time as they are able to come in the general electorate or are better educated for the purpose. At present they do not possess the means or money which are necessary for the purpose of fighting the different elections, and for that purpose, instead of having communal electorates, instead of recommending the principle of nomination, I should have been glad to support this principle of reservation of seats, because they generally have to face elections. The only thing is that certain seats are reserved for the members of the community. Then, I think that in the present tension in the country when everybody is voting or going on communal lines, this is a right solution, namely, those who are less advanced may be given reserved seats and they would be prepared of their own accord to throw out this form of concession and to fight elections when they are sufficiently advanced. On that ground, Sir, I am willing to support this bill.

Then, I come to the second point as regards the question whether representation should be according to population. I was a member of the Bombay corporation, and this principle of representation according to the number of population was brought on time and again by several members from Bombay (North), because they realised that Bombay (South), which boasted of capital and intelligence, were against the population basis and said "in view of our capital, and our wealth and our intelligence—the so-called intelligence—we have a right to representation in the corporation". But, Sir, if you dissect the figures, you will find that A, C and D wards have the right to return 38 candidates and for the remaining 4 wards B, E, F, G the same number of seats, i.e., 36 is reserved. Then, there is one glaring instance. In A ward there is a population of 74,000 and it wants to have a representation of 12 seats against the G ward, which I represent here; the population in G ward is 1,75,000, but they only get 6 seats. I say, Sir, that it is self-evident and the members have realised that this has got to be revised and that more representation has to be given. But somehow or other they try to shelve this proposal and they try and see that it does not succeed. We, the members of this House, should take a more reasonable and more impartial view of the whole situation on this question

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and support the principle of giving representation on the basis of the population of the ward.

Dr. M. K. DIXIT (Surat City) : Sir, I had no intention of speaking on this bill as I am not a man from Bombay, but I do feel that the system of reservation of seats is a very vicious system. It has led to internecine quarrels and to inter-communal tension. This system has been introduced into the legislative councils and even the Legislative Assembly and Government is responsible for introducing it. From there it has now permeated into the lower strata, namely, local boards and municipalities. Fortunately, the Bombay municipality was the only municipality which had enjoyed immunity from this evil system and in it there was nothing like communal representation or reservation of seats, and till now it has maintained that enviable position. Unfortunately some of the members of this Council are now trying to introduce this system into the municipality which enjoys such a high reputation of being absolutely non-communal and of having no reserved seats. I was partly tempted to support the bill brought forward by my honourable friend Mr. Bole only on one ground, namely, that when the City Municipalities Act was passed by this House, we made room for the depressed classes to a certain extent but nothing for the backward classes. The depressed classes were given reserved seats because their voting strength was so poor in the municipality that it was not possible to secure even one seat for the depressed classes and therefore it was only natural that the Honourable the Minister allowed such a thing to come in and the House accepted that principle. But no seats were reserved for the backward classes because the number of voters of the backward classes was quite big, and they enjoyed a certain position in the industrial life of the cities, and they were able to send up some members to represent them on the corporation. If my honourable friend Mr. Bole had stuck only to reserving a few seats for depressed classes of Bombay, I do not think that the House would have looked upon such a suggestion with a want of sympathy—in fact he would have received a greater amount of sympathy than at the present moment. His demand is rather too ambitious. He wants eighteen seats to be reserved—ten for backward classes and eight seats for the depressed classes, and I am afraid that because his demand is too ambitious, the House is disinclined to support him.....

Mr. R. S. ASAVALE : Why not move an amendment ?

Dr. M. K. DIXIT : I leave that to those honourable members who wish to do it.

Further it was pointed out by the gallant knight of Bombay, Sir Vasantrao Dabholkar, that there was a sort of selfish character in the bill itself in saying that there must be a reservation of seats for the Marathi-speaking Hindus. Bombay contains both backward and depressed classes speaking not only Marathi but Kanarese, Sindhi, Gujarati and other languages, and my honourable friend Mr. Bole would have done better if he had not laid down the Marathi-speaking qualification,

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Another point which my honourable friend Rao Bahadur Angadi made was that self-government means rule by the people themselves. I say that those voters belonging to the communities mentioned in the bill need not necessarily seek to send their representatives from among their own communities. They have votes, they can select their own men; and they can send up any men of their own choice, not necessarily belonging to their communities. So it is wrong to think that they should send men of their own communities. It is enough that they have a right to vote. It is not necessary that they should belong to their particular classes.

If we go on reserving seats for different communities, it will be difficult for us in future to draw a line somewhere. We have got at present backward classes, depressed classes, intermediate classes, ordinary classes, advanced classes and we do not know where it will all end. Practically it will amount to reserving seats for every community which inhabits this country. I therefore submit that my honourable friend Mr. Bole will be well advised to withdraw the bill.

Mr. N. A. BECHAR (Karachi City): Sir, it is with great diffidence that I rise to support this bill. I use the word "diffidence" advisedly on the ground that I have been absolutely against the principle of reservation of seats and dividing the Indian society into small sections, but the experience that we have had this afternoon in the matter of voting on the bill that had been moved by my honourable friend Mr. Asavale, has given us very good food for thought. In one of the books which Mr. George Bernard Shaw has written entitled "Major Barbara," he has very closely and very finely indicted the capitalist classes and he sums up his indictment in one small sentence namely, "poverty is crime." The only crime which these poor people have done, the only sin which these poor people have committed is this—that by some selfish system of society we find that all these labourers, who originally came from the villages to the cities, were deprived of their land, they were made landless, and now when they come to the cities there is nobody to look after them. The city of Bombay for all practical purposes has divided itself into two cities, the city of the rich and the city of the poor. I do not wish to go on quoting, but that also has been written of England by an English writer who said that there is an England of the plutocrats and an England of the proletariat and what do we find in Bombay? I have gone into Bombay's labour quarters in the north of the city and I know the kind of treatment and the kind of care taken by the Bombay municipality in that quarter of the city. Apart from the political grounds, apart from the civic rights which every man over 21 is entitled to have, I put my case upon the actual realities. It is not a matter of sentiment but it is a matter of a great economic necessity. If you go and look at the conditions of squalor, poverty and distress of the slums in which the majority of the labouring classes in Bombay live, I say it is a disgrace to our civilisation. I have seen five or six families huddled together. . . . .

Mr. P. J. MARZBAN: Are we discussing the poverty of Bombay or the bill before the House?

The Honourable the PRESIDENT : It is rather very difficult to draw a line of distinction. Every honourable member who has a value for the time of the House will see that his remarks are limited. It is difficult for the President to decide as to where the line is to be drawn. Here is a question of the representation of the backward classes in the municipality of Bombay, and representation in the municipality means the protection of certain interests of the citizens of Bombay. Now, the honourable member is drawing a picture of the conditions in which certain classes are living there. That may be said to have a bearing on the point, but it may also technically be taking the whole discussion outside. I would therefore request honourable members who wish to speak on subjects before the House to have the highest regard for the value of time.

Mr. B. G. PAHALAJANI : And if they have not ?

Mr. N. A. BECHAR : I shall try to be brief. My honourable friend need not have interrupted me. His only ground of interruption, if I can follow it, appears to be that the power which is in the hands of his class in the municipality should not be given up. That is the only ground which I can see for his wanton interruption.

The Honourable the PRESIDENT : All that can be done by voting ; it need not be by speech.

Mr. N. A. BECHAR : Then we might vote and have no speeches at all. All bills and all resolutions may be put to the vote straightaway.

Now, Sir, as has been rightly pointed out, there are only one lakh of voters in a population of nearly 11 lakhs in Bombay. That means that one-tenth of the population is ruling over the city of Bombay, and these people want to pose themselves as friends and fathers of the poorer classes. That is how one little poem goes. They say " We shall look after your interests ; you need not think for yourselves, because we shall think for you ; whatever is necessary for you, we shall do ; we are your custodians, we are your guardians." Sir, this theory will not hold ground in these days. Unless and until the poor depressed classes, unless and until the poor backward classes, come into their own, there will be no justice. I am sure that men like my honourable friend Mr. Marzban can hardly feel the difficulties of these poor people, particularly with regard to the depressed classes. The tyranny between man and man which is exercised by the rest of the population over the submerged classes is so revolting that I think whatever steps that are necessary to be taken to bring them to a certain standard of life should be welcome to this House.

Now, Sir, we have heard so much about the reservation of seats. I would ask my honourable friend Mr. Hooseinbhoj Lalljee, who spoke so much against the reservation of seats, whether he had at all opposed the reservation of seats for the Millowners' Association, for the Chamber of Commerce and for the Indian Merchants' Chamber. Sir, what are these seats ? Are they not reservations ? I ask him whether it is right that each of these associations, between themselves, each a pocket borough, should each send one representative to the corporation. These people have got the right of representation. These people represent particular interests, the capitalist interests, and I ask them with what show of reason

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they deny to the poor working classes the same right of representation which is conceded to the capitalists in the present Municipal Act.

Again, it has been argued that my honourable friend who has brought forward this bill has tried to omit the other communities who may be equally backward but who speak other languages than Marathi, or are hailing from other parts than Maharashtra. But it does not follow from that that if the first reading of this bill is accepted the bill will not be capable of improvement. It is capable of improvement, and I am entirely in sympathy with one or two honourable members who spoke on behalf of the Muhammadans, although I know that they have hardly anything to do with the poor labouring Muhammadans whom they are exploiting just the same. I do not think that these people who are speaking in the name of religion have hardly anything to do with those poor people. Whether he is a Hindu or a Muhammadan, he is exploited just the same. There is not the slightest difference. The Muhammadan and Hindu capitalist will exploit Hindu labour or Muhammadan labour just the same, for as you know, capital knows no religion, and I ask my honourable friends Mr. Hooseinbhoy Lalljee and Mr. Hoosenally Rahimtoola whether they belong to these poor backward Muhammadans. I say, my honourable friend Mr. Syed Munawar is the right person to speak on their behalf, and if he opposes the bill, I will say there is some reason for his opposition. There are labouring classes belonging to the Muhammadan religion, and they should be included. It has also been stated that certain people who speak Gujarati and other languages are excluded. I say, this bill is capable of improvement. Let all these labouring classes be lumped together in the backward communities and representation to the extent of whatever is reasonable be given to them. We need not necessarily insist upon the 10 or 15 which my honourable friend has provided in the bill; you may have a smaller number of seats but they should have some representation as owing to the manner in which the whole of the Bombay Municipal Corporation is constituted at present, it does not look after the interests of the poor people. That is my firm belief that unless and until you give representation to these people, there will be no justice. The higher classes want these people to go to the wall. I ask, is it fair treatment? It has been stated off and on by capitalists in opposing the just rights of labour on the pretext that it is not right to introduce this kind of division in society, but these very people come to us for support whenever there is a case of getting protection for any industries, and they say that it is a national industry. I cannot understand what kind of nationalism it is. It is the same kind of junkerdom which goes on in the name of nationalism in Germany. The capitalists want to become the bosses. I positively resent it, and if it is intended that in Swaraj these poor people should continue to occupy their present down-trodden position and the capitalists should be their masters, then, I say that Swaraj is not worth having. I go further and say that unless and until they realise the larger interests of the country and take these poor labourers with them, Swaraj is not going to come. A Legislative Council or a charter from White Hall is not going to solve our problem. It will be solved by

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these very labourers, and unless and until you make them realise their political aspirations, they will not fight for you. I do say again, and there is great force in it, and I have felt it that unless and until we get the labourers on our side, we shall not be able to fight the battles of the country. That is the point which I wanted to bring forward before the House.

Again, it has been stated that these poor Ramas and Balus will turn the municipal administration upside down. Now, do you mean to say that they will have such great power with the small number of seats on the corporation that they will be able to do anything? If my honourable friends refer to the provisions of the City of Bombay Municipal Act, they will find that the Municipal Commissioner of Bombay is almost an autocrat. He wields such a large amount of power that it is not likely or possible for any members to throw the municipal administration into the melting pot. What will happen is that these people will try to influence the corporation to look after the interests of their community. And what is wrong? But I feel that with the mass of intrigue and reaction in which the party politics have thrown the affairs of this House no progress is possible.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Sir, I want to give a personal explanation. My honourable friend Mr. Bechar said that I did not represent labour. I represent the Mahomedans of Bombay and most of the voters paying a rental of Rs. 10 are labourers.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : I welcome, Sir, this bill which has been brought forward by my honourable friend Mr. Bole. There would not have been any necessity for this bill if the franchise had been reduced to Rs. 5. As the franchise has been kept on the level of Council election it is necessary to help the depressed, oppressed and suppressed classes. These depressed, oppressed and suppressed classes do not want to live on the mercy of Government. The honourable member Mr. Bole wants that the representatives of these classes should come by the front door of election and not by the back door of nomination. (An Honourable Member : Question). He wants that the number allotted for nomination should be reduced by 50 per cent. and that the number allotted for co-option which is nothing but a pocket borough should also be reduced by 50 per cent. Co-option is nothing but a pocket borough as people desirous of being co-opted have only to go to 70 or 80 members and thus get themselves co-opted. Therefore, the number of members who get in through co-option is to be reduced by 50 per cent. The saving thus effected in the number of seats should be given to the backward and depressed classes. They are very backward and we have even heard of instances where the children of these classes are made to sit outside the schoolroom in certain places. In their present condition they will not be able to compete in open elections. The honourable member does not want to reserve any separate electorate for them. What he wants is that in the general electorate for the Bombay city some seats should be reserved for them. In Ahmedabad



[Mr. J. C. Swaminarayan]

and Surat which are city municipalities they are given a separate electorate. In Ahmedabad three seats are allotted for the depressed classes and three of their representatives in the municipality have been elected and they have taken a nice part in the municipal administration.

The Honourable the PRESIDENT : There is an outsider in the House. (He was removed from the floor of the House).

Mr. J. C. SWAMINARAYAN : All these three men came by the front door of election. These men will be able to efficiently represent the grievances and safeguard the interests of their own community. Others who come by nomination will not be able so efficiently to represent them in any body. Therefore, they should come by the front door of election. That is the principle of this bill. Till they are able to compete in general electorates with the more advanced classes they say that they should have reserved seats, as in the case of legislative council elections. I may here give one touching illustration : England was an advocate of free trade. The other nations like Germany and Austria which were unable to compete with England which was far advanced in trade adopted the policy of protection, in order to protect their own interests. As commercial competition with England would be like a fight between a giant and a dwarf, the other nations adopted the policy of protecting their own trade. Till the depressed classes are in a position to compete in general elections they deserve to be given a helping hand. They do not say " Give us a separate electorate ", which is enjoyed by the other municipalities. What the depressed classes of Bombay want is that they should be allowed to sit with them in the corporation. Every now and then we are told that Government have got the good of the depressed classes in their heart.....

The Honourable Sir GHULAM HUSSAIN : Then, who gave the depressed classes representation ? Is it the Government or the honourable member ?

Mr. J. C. SWAMINARAYAN : This House.

The Honourable Sir GHULAM HUSSAIN : Who brought in the bill ?

Mr. J. C. SWAMINARAYAN : It will take time for the depressed classes to come to their own and it is why they want this assistance which should be ungrudgingly given to them.

It has been pointed out by the honourable member Mr. Hoosienbhoy that the words " Marathi speaking " should be omitted. This can be done in the select committee and I am sure the honourable member Mr. Bole will not have any objection to omit them. I think it is necessary that they should be given this concession in order that their political aspirations may have a proper and right growth. They do not want to be at the mercy of Government and they do not want to come by the back door of nomination. They want to come by the front door of election. I hope the principle of this bill will be supported by this House and that the bill referred to select committee for making the necessary changes.

Mr. SYED MUNAWAR : Sir, I rise to support the first reading of this bill which advocates representation on the strength of population and reservation of seats to depressed and oppressed classes, which form an integral part of the working classes, whom I have the honour to represent in this honourable House. Of course, there are certain defects which have crept in through inadvertence. These defects can be removed if and when the bill is referred to a select committee. Within a total population of 11,75,914, according to the Census Report of 1921, in the city of Bombay the population of the depressed classes as shown by the honourable member Mr. Bole is between 5 and 6 lakhs. That is to say, it includes the backward, labouring and depressed classes. But the honourable member has omitted to mention the Gujarati speaking backward classes and Mahomedan working classes who, as a matter of fact, form part of the backward classes. For these six lakhs of people how many representatives are there in the corporation? It is by a lucky chance that my honourable friend Mr. Bole, Mr. Baloo and Mr. Nekaljay have come in to represent these backward communities and that too by nomination. It has not been definitely ascertained as to how many people belonging to the depressed and the backward classes came in through the general elections. Therefore it is but legitimate and fair that this large population of the backward and the depressed classes should be given adequate representation in an important civic body like the Bombay municipal corporation where a number of vital problems directly connected with the everyday life of these citizens are discussed and solved. I am myself moving a similar bill subsequent to this bill, whereby I desire to provide for representation to the labouring classes, which include the backward and the depressed classes; but I do not know what fate my bill will meet with. All the same I am in sympathy with the underlying principle of this bill. Of course there are certain defects which can be remedied in the select committee. With these words I support the first reading of the bill.

Dr. P. G. SOLANKI : Sir, I rise to support the first reading of the bill moved by my honourable friend Mr. Bole. Much has been spoken on behalf of the backward classes as well as against the backward classes. But let me make the motive of the honourable member Mr. Bole quite clear. It is by some error that he has specially mentioned the Hindus in connection with the backward classes. He ought to have put in "backward classes, including the Muhammadans", and that would have been more generous. And I am sure the honourable member Mr. Bole would condescend to make the necessary corrections or amendments in the select committee.

I stand specially on behalf of the depressed classes and to echo their voices here. As my honourable friend Mr. Hooseinbhoy Lalljee found fault with the honourable member Mr. Bole for mentioning only Hindu backward classes, let me ask him if there is any community such as the depressed classes among the Muhammadans. The moment a depressed class Hindu becomes a Muhammadan he is lifted up high, and he is no longer a depressed man, and he can advance onward by his own merits and efforts. But unfortunately it is the bane of Hindu society, that once

[Dr. P. G. Solanki]

a man is born by accident in the depressed Hindu fold he remains as a branded man and he dies as a branded man, as an untouchable. Sir, allow me to assure my honourable friend Mr. Hooseinbhoy Lalljee that Mr. Bole's intention was not to exclude the Muhammadans. With a liberal heart he will be willing to take Muhammadans among the backward or labouring classes of Bombay. I appeal specially to my honourable friend Mr. Hooseinbhoy Lalljee and other capitalists not to come in the way of the depressed classes, because their lot is pitiable in the society of Hindus. They should be classed as Hindus belonging to the depressed classes and they should be given special reserved seats on the corporation. I would also bring to the notice of the honourable House that even if the power of election is given to the depressed classes, they will be handicapped in every way. They have no money and no education, and their status is nowhere; they are confronted with difficulties everywhere. I do admit the claim of the Honourable the Minister for Local Self-Government that it was he who brought in the depressed classes in the Council. I do give credit to the Government for nominating members of the depressed classes. But I request Government to come to the help of the depressed classes and give them adequate representation on the Bombay corporation. There is a very vast population of the depressed classes in the Bombay city, and it would not be out of place and going out of their way if Government made a special reservation of seats for the depressed classes of Bombay.

About the backward classes, I have already made it clear that if the backward class Hindus and the Muhammadans make common cause, there will not be any room for the unpleasant view that the honourable member Mr. Hooseinbhoy Lalljee has taken of communal rivalry. I may assure the honourable House that among the labouring classes of the Bombay city there is no prejudice and difference of opinion among the Hindus and Muhammadans. The Muhammadans and the backward classes of Hindus stay in the same chawls, and we do not find any fracas or trouble among them. It is only when the sinister-motived from the higher and advanced priestly classes and agitators who come there and exploit these backward classes that they, fight amongst themselves. Otherwise, they live as brothers. I have seen Hindus attending Muhammadan functions and Muhammadans attending Hindu functions. I would therefore appeal to honourable members not to bring in the communal question so far as the backward classes and the depressed classes are concerned. Let that be assigned to the advanced classes, and they will take care of themselves. I appeal to this honourable House to give reserved seats for the backward and the depressed classes. With these words I support the first reading of the bill.

The Honourable Sir COWASJI JEHangIR : Sir, I had not any intention of addressing this honourable House on this interesting subject but I am tempted to do so on account of the speeches of the representatives of the "oppressed, depressed and suppressed" namely my honourable friends Mr. Swaminarayan and Mr. Bechar. They claimed

[Sir Cowasji Jehangir]

to be representatives of the suppressed and the depressed, but I fail to understand how they can be called representatives of the "suppressed" because they are the most unsuppressible members of this honourable House. ....

Mr. N. A. BECHAR : I am a member of the depressed classes.

The Honourable Sir COWASJI JEHangIR : Mr. President, my honourable friend Mr. Bechar informed the House of the constitution of the corporation, and he said that representatives of labour are at present unable to find seats on the corporation. That is the long and short of his argument—the representatives of Labour are unable to get into the corporation. Firstly they tried to get a lower franchise ; they failed and they have failed in this House ; they now want reserved seats. But may I ask my honourable friend who the majority of the electors happen to be ? They are those paying a ten rupee rent. ....

Mr. N. A. BECHAR : And you exploit them.

The Honourable Sir COWASJI JEHangIR : They are those paying that rent, and, Sir, they are after all the working classes. (Mr. R. S. Asavale : Question). The large majority of the electors of Bombay who pay a ten rupee rent, I contend, are the labouring classes. Considering the rents that are prevailing to-day and are likely to prevail for some time to come, I cannot understand how my honourable friend opposite can in any way controvert the argument I am going to place before the House. I say, Sir, that the major portion of the electors are the labouring classes and if the labouring classes refuse to send what some people choose to call themselves the representatives of labour to the corporation it is not the fault of Government. It is the verdict of the electorate. The electorate refuses to recognise certain so-called leaders of labour as their leaders. ....

Mr. R. S. ASAVALE : Question. I am elected to this Council by the labourers.

The Honourable Sir COWASJI JEHangIR : Therefore it comes to this. Because the labouring classes refuse to send certain gentlemen, who call themselves leaders of the labour party, to the corporation, they now come forward for special treatment. I feel certain that those who can with justification call themselves leaders of the labour party, those who belong to the labouring classes and who have risen from the labouring classes, will get into the corporation to represent the labouring classes even with the present franchise. ....

Mr. J. C. SWAMINARAYAN : All your tenants of the development chawls will have no franchise.

The Honourable Sir COWASJI JEHangIR : It may be that some tenants who pay less than Rs. 10 are at present without a vote. But all those who pay Rs. 10 and more have got the franchise and a large majority of these in the city of Bombay are the labouring classes. ....

An Honourable MEMBER : Question.

The Honourable Sir COWASJI JEHangIR : It is no use saying "question" when I am stating absolute facts. As the result of the election shows, the labouring classes have no confidence in the so-called leaders and therefore however much you may reduce the franchise those leaders will not be returned because the electorate will continue to elect people who do not call themselves labour leaders. The point is this—Do these gentlemen who call themselves labour leaders deserve special facilities to come into the corporation? That is the whole point. The intention of the honourable mover of the bill is that a certain class should get into the corporation who are now not returned by the electorate. This is the whole intention.

Mr. N. A. BECHAR : Is it not an insinuation?

The Honourable Sir COWASJI JEHangIR : Is there any doubt about it? It is an admitted fact that the intention of the honourable mover of the bill is to get certain labour leaders into the corporation.

Mr. N. A. BECHAR : Not that.

The Honourable Sir COWASJI JEHangIR : Well, what is the meaning of it? (Interruptions) Mr. President, I cannot continue if these interruptions continue.

The Honourable the PRESIDENT : Order, order. I would request the House not to interrupt.

The Honourable Sir COWASJI JEHangIR : My contention is, that by the reduction of the franchise so-called labour leaders will not be returned to the corporation. If labourers produce their own leaders they will be respected. So far as I know in this Honourable House there is only one honourable member who can clearly claim to be a labour leader and that member is my honourable friend Mr. Haji Mir Mahomed Baloch. As far as I know, he is the only honourable member in this House all honour to him—who has risen to be a member from what may be called a workman. There is no other member who can really be said to represent labour and therefore what I would ask honourable members to do is to help labour so that they can produce their own leaders and if they do this the present electorate namely, those paying Rs. 10 will be able to return the right sort of men in greater number to the corporation.

Mr. R. S. ASAVALE : Question.

The Honourable Sir COWASJI JEHangIR : It is no use grumbling about the franchise. You must produce the men who deserve special facilities. The present franchise is low enough. Since I was a member of the corporation the whole situation has changed. There are a large number of men who cannot be called of the labouring classes but men of lower middle classes. As you have got these men in the corporation it is no use giving them special facilities. What I have got to say to honourable members of this House who represent labour is "use your energies in other directions than asking for the lowering of the franchise, use your energies in uplifting labour so that they may be able to produce such who will represent true labour interests".

An Honourable MEMBER : I propose closure.

The Honourable the PRESIDENT : I accept it. The honourable the mover.

Mr. S. K. BOLE : Sir, I knew that my bill would meet with great opposition. My honourable friend Mr. Hooseinbhoy who spoke on this bill said that he was a sympathiser of labour and asked me why the Mahomedan labour is excluded from this bill. But when the Rent Act was introduced the object of which was to protect the Labour, including Mahomedan labour it was my honourable friend who opposed it. That is the sympathy he has got....

Khan Saheb A. M. MANSURI : Did you vote for Labour ?

Mr. S. K. BOLE : It is absurd to interrupt members when they are speaking, but may I tell him that the voting was by ballot and if I now disclose how I voted, then what is the use of having a ballot ?

It is said that the corporation has undertaken new schemes. But, for whose benefit ? It is for the benefit of the capitalists, for motor owners and drivers who wanted smooth roads and they have destroyed or driven away the working classes from those places. Sir, what will a visit to the Chinchpokli and Parel side show ? All the roads were formerly inhabited on both the sides by the working classes, but you will now see palatial buildings erected there. And who are living there ? The higher classes. And the working classes are thrown to winds. Of course, it is for the benefit of those higher classes to mix up issues, and they have mixed up issues by bringing in the communal question. I never went and I never voted against the interests of the Mahomedans. Sir, I would tell this House that when separate electorates were given for Mahomedans in mofussil municipalities, I was with my Mahomedan friends. And in this bill if the Mahomedans want representation along with the backward classes, I am prepared to give them. They may amend the bill in any way they like. Sir, I may tell my honourable friends that I stood for election twice and I failed. I knew what would be my fate, but I faced the election. That was a fight, as pointed out by my honourable friend Mr. Swaminarayan, between a giant and a dwarf. But I still asserted my rights. And who was my rival ? Sir Fazalbhoy Currimbhoy. But my friend Sir Vasanttrao stood for election once. His rival was Sir Fazalbhoy Currimbhoy's brother. (An Honourable Member : When did Sir Vasanttrao stand for election ?) That was long, long ago. But he dared not face the election and he withdrew and since that time he is nominated without any hindrance or interruption.

Then, Sir, as regards my honourable friend Mr. Marzban, he has spoken just like an aristocrat as he is. He says.....

Mr. P. J. MARZBAN : I rise to a point of information. I should like to know who is an aristocrat and who is a democrat ? I repudiate the statement that I am an aristocrat.

Mr. S. K. BOLE : As a journalist, Sir, the honourable member ought to know better who is an aristocrat, and he says that it is the Parsi

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community only which has done something, what has been done for the city of Bombay is done only by the Parsi community.....

An Honourable MEMBER : He never said that.

Mr. S. K. BOLE : I am told he never said that. Very well, I leave it at that. Then, it is said that in the corporation no communal matters are discussed. But may I tell my honourable friends, if some posts are to be given to some candidates, then the Parsis vote for the Parsis, and there are a number of Parsis in service. I do not grudge them these posts, but I want to have our share on the same basis. Look to the services. There is a vast number of Parsis in the corporation as well as in the Improvement Trust. The Mahomedans and the Backward classes are nowhere. Advanced classes are also there. Then, it is said we are not qualified, we must take to education. If that is our admission, then why ask the Royal Commission to come here earlier than the prescribed time ? If the Royal Commission comes here and if evidence is given before them that the majority of Indians are not educated, are not qualified, then just imagine what will be the result. Now, election is a difficult task ; it requires money. May I tell the honourable members of this House that in the mofussil formerly all the seats in the municipalities and local boards were captured by the advanced and capitalist classes. But now what has happened. They are captured by our backward classes. It is the men from the advanced classes who are seeking nomination now in the mofussil municipalities. If the franchise is lowered, there is no doubt that the majority of these seats would be captured by the backward, labouring and depressed classes. Then, I am told that the higher classes have introduced compulsory education. It is only now that it has been introduced. It is the municipality of Bandra which introduced compulsory education long ago, and the Bombay corporation is going to do that now. And why ? Because many of the members belong to the capitalist classes. Sir, I had occasion once to see a member of the capitalist class, a big millowner, in connection with some strike and I told him that it would be better if compulsory education is introduced. He said : " You want to give education to these people ; then who will come to work in our mills ? " As it the backward classes are born for working in their mills ! He owns several mills in Bombay. Sir, that is the reason why the introduction of free and compulsory education has been delayed in the city of Bombay. Had there been the representatives of the Mahomedan, backward and depressed classes in the municipality in sufficient numbers, then compulsory education would have been introduced long ago.

Now, as regards my honourable friend Sir Cowasji Jehangir, I know what are his feelings. When he was sitting on the opposite benches, and when my honourable friend the Minister for Local Self-Government brought his bill in the year 1924 to amend the Act for giving franchise to the tenants, my friend the Honourable the General Member fought tooth and nail to oppose the bill. He did not want any franchise to be given to the tenant classes. He was against the franchise being lowered to Rs. 10. And it is just like him. It is no surprise that he would oppose

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this bill and he has misrepresented many facts. There was no sound argument in his speech (Laughter).

I may tell you that it was never my intention to bring this bill in the interests of some labour leaders alone. It can be clearly seen from the bill itself that it is not meant for any particular individual but that it is meant for certain classes.

The Honourable the General Member said that by lowering the franchise to ten rupees, the number of voters from the labouring classes has been considerably increased. But may I point out to him that out of the 5,000 G. I. P. Railway workmen, residing in Bombay there are only 75 voters. In the B. B. & C. I. Railway in Bombay there are 5,000 to 6,000 workmen, out of whom only 100 are voters. If my honourable friend the General Member condescends to come with me and if he has no objection to walk or, better still, for his sake I shall be glad to accompany him in his motor car, I shall show him several chawls where workmen live paying less than five rupees rent. Being in charge of the Development portfolio, he ought to know the number of voters living in the Development chawls. My honourable friend Sir Vasantrao said there are 100 tenants in the Worli chawls.....

An Honourable Member : What is the percentage of voters ?

Mr. S. K. BOLE : I do not go by percentages, I go by accurate figures (Laughter). In the Press Note that has been recently issued by the Development Department, it is said that in the industrial housing scheme the figures of tenants in the Development chawls is nearly 7,000 paying rent below Rs. 10. All these go without a vote. These facts show how the Honourable the General Member has misrepresented facts. . . . .

The Honourable Sir COWASJI JEHangIR : How many voters pay rent of ten rupees or more in the city of Bombay ?

Mr. S. K. BOLE : 1,19,000, or one-tenth of the total population.

An Honourable MEMBER : What about children ?

Mr. S. K. BOLE : Honourable members who are members of the corporation and also of this House must know that children are not entitled to vote.....

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Are not children included in the population ?

Mr. S. K. BOLE : I am not in a position to say that. Now, let me proceed. The same is the case with the Improvement Trust Chawls at Dhobi Talao, Mandvi, Nagpada and Clerk Road, where the rent is below Rs. 10. The trouble is that these honourable members from Bombay who are opposing my bill live at places like Nepean Sea Road, Walkeshwar and in other aristocratic quarters and cannot naturally be expected to know the conditions in which the poor classes manage to live. In fact I doubt whether they care to find out how these poor workmen live. For these reasons it is necessary that the real representatives of these classes should be on the corporation by right.



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Some other objections have been taken to my bill, but as regards the principle involved in it, I may tell the honourable House that the corporation will never come to any conclusion in the matter. My honourable friend Mr. Hoosenally M. Rahimtoola told the House that the committee has submitted a report. Although I am not on that committee, I know that the corporation committee appointed a sub-committee and the sub-committee submitted its report. That report has been sent back to the sub-committee for reconsideration. This process will go on till doomsday, because they will not be the sufferers. The sufferers are the poor people. The committee members have got more than they need or deserve (Laughter). So I say they are indifferent. When the question of the franchise was being considered, we know how the Bombay municipal corporation behaved. In the same way, we know how it acted in the case of the fees given to members of the Improvement Trust Committee. The House knows the antics in which the Bombay municipal corporation indulged. It first asked this House to do away with the fees. Then it passed another resolution asking this House not to pass that bill. What importance can be attached to its opinion which is changing every now and then.....

Mr. L. M. DESHPANDE: Then why did the honourable member support nominations?

Mr. S. K. BOLE: My friend Mr. Deshpande wants to know why I supported nomination in the beginning. My honourable friend comes from the privileged classes and so he does not know the reason. The wearer alone knows where the shoe pinches. In the University bill we wanted separate electorates. Some of our friends sent amendments to that effect but on the ground of principle they were not allowed to be moved. For that reason we wanted nomination. Some of my honourable friends ask why we need nomination. Well, we say "give us representation by reserved seats and we will do away with nomination", but when we ask for such representation they ask us why not ask for nomination. Anyhow they want to oppose the backward and depressed classes and they do not want to improve the lot of these classes. They do not want to bring up to their own level the backward and depressed classes. I know what the fate of my bill is going to be, but if the Government allows its members not to vote, then it would perhaps be a different matter. I want to make it clear that if the principle of redistribution of seats is accepted in the select committee, the rest may be dropped, and I shall have nothing to say. Then again, as regards the reservation of seats for backward classes, there was some opposition, and I am prepared to do away with that also, provided some representation is given to the depressed classes. They may amend the bill in the select committee in any way they like.

The Honourable Mr. G. B. PRADHAN: It will be out of shape.

Mr. S. K. BOLE: No, it will not be out of shape. We do not care for shape or anything else. We want bread, give us that bread; that is our request. I am asked what about butter? Butter of course is

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meant for the higher classes who are well versed in the art of using it. With these words, I resume my seat.

The Honourable Sir GHULAM HUSSAIN : Mr. President, honourable members of this House are aware of the saying that so and so wants to have it both ways. My honourable friend the mover of this bill wants to have it in three ways. Firstly, he wants 18 seats by reservation ; secondly, he wants a redistribution of the wards in order to capture most of the seats in those wards where the population and voting strength of the backward classes are strongest ; thirdly—you have ruled it out of order, Sir—he wanted that the franchise should be reduced from Rs. 10 to Rs. 5. Now, being ruled out of order in one direction, the honourable member wants to have his way in the other two directions.

I was very much amused at the speeches of the two honourable members, ardent advocates of nationalism, Mr. Ginwalla and Mr. Swaminarayan, that this House should accept the principle of communal representation, which they have been running down on the platform as most pernicious. Now, Sir, for whom does the honourable member want the reservation of seats ? He says that, for the purposes of the reserved seats, backward classes shall mean persons belonging to any of the following Marathi-speaking Hindu classes, namely, the Maratha, Kunbi, Mali, Koli, etc. But he excludes the Sindhi backward Hindus and the Gujarati backward Hindus, apart from the Muhammadans, with whom the Backward Mahrattas made common cause some time back. If we admit this principle of giving to the Marathi-speaking Hindu backward classes 10 seats by reservation, then I am afraid the Sindhi Hindu backward classes in the city of Bombay, who are also educationally backward, the Gujarathi backward classes, and also the Muhammadans will come forward and claim reservation of seats for themselves also. If you once accept this principle, there will be no end to the number of classes asking for special representations.

Then I will come to the remarks of my honourable friend Mr. Bechar. He says you can add on the Muhammadan backward classes also. He proposes to divide the Muhammadans into classes, which is against the very spirit of Islam. But I would like to inform him that there is nothing like a Muhammadan backward class. With reference to the remarks of my honourable friend Mr. Syed Munawar I might say that the labourers preferred Mr. Hooseinbhoy Lalljee to him.

Now, Sir, in order to give the franchise to the backward communities, only four years ago the franchise qualification was reduced, and now they have a sufficiently large number of voters.

(Mr. R. S. ASVALE Indicated dissent.)

The Honourable Sir GHULAM HUSSAIN : The honourable member simply shakes his head, but he has not made any statement as to how many voters there are belonging to the communities mentioned.

Mr. R. S. ASVALE : It is 5,000.

The Honourable Sir GHULAM HUSSAIN: Distributed over the whole of Bombay city? Then I do not think that 6 to 7 representatives of the backward communities could have been returned to the Bombay corporation, for, including the nominees from the depressed classes, they have 10 members there.

Now, what do we read in the newspapers? Who are the leaders of Labour and the backward communities? Who are their representatives who come before committees to give evidence? Mr. Jhabvala and Mr. Ginwalla. That is what we read in the papers. They do not say that Mr. Bole or Mr. Asavale is their representative or leader.

As the Honourable the General Member stated, these classes have been given the right to vote, but if they do not want to exercise that right, it is not the fault of anybody else. My honourable friend always says that it is the rich people that entice away their voters, but I have taken special care to see that voting should be by ballot. So, these classes can vote without fear or favour, but the results clearly show that they do not consider their own people as competent enough to represent them on the corporation, and therefore they do not vote for them and return them to the corporation.

Mr. R. S. ASAVALE: No sufficient votes; that is my argument.

The Honourable Sir GHULAM HUSSAIN: It is voting by ballot, and there are sufficient votes.

Now, Sir, the revenue of the Bombay municipal corporation is Rs. 3 crores. Who contributes this money for the purposes of the corporation? It is the millowners, the capitalists, the Chambers of Commerce, that contribute these three crores of rupees to the corporation.

Mr. N. A. BECHAR: Are not ultimately the consumers to pay?

The Honourable Sir GHULAM HUSSAIN: My honourable friends wish to call for the tune and want the capitalists to pay the piper. My honourable friends say "We are paupers, we are unable to contribute" and at the same time they say that they pay out of their own pockets to the corporation. My honourable friends ought not to contradict themselves in this way. Then the honourable member wants to reduce the number of nominated seats to 8. I am afraid the honourable member is kicking the very door through which he entered the corporation. (An Honourable Member: He does not want it). Then he ought to resign. The House should realise that there are a number of minorities in the city of Bombay besides the Mahomedan community and backward classes. (Interruption). They are not properly represented. Further, we require nomination for the adjustment of the representation of the various communities after the elections are over. The Bombay corporation has even passed a resolution that we should appoint certain officials who have rendered valuable service to the corporation.

Then, Sir, the honourable member wants to reduce the number of co-opted seats. There are 7 members of the backward classes elected on the corporation, and there are three more by nomination, as has been admitted by the honourable member. They are in all ten. If all the ten members had joined together and voted for a single man of

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their own community he would have topped the list of co-opted members. This really shows that they do not like to be represented by their own people. It also shows that they are not organised. If they were organised, they could have secured one more seat. (An Honourable Member : Two) At least one. They would have had at least 11 members on the corporation to-day. As has been admitted by an honourable member, the local boards and municipalities have been captured by the members of these classes—they have practically monopolised the local bodies. When they organise themselves, they will be able to do the same in the Bombay corporation also.

Then the honourable member wants that population should be the only criterion for representation in the city of Bombay. This is the first time that I have heard of this principle with regard to that city. In this respect I wish my community and the backward classes to emulate the splendid example of the Parsi community. Though that community has got a small number of voters, owing to their education, influence and their services to the corporation, they have captured not less than 19 seats, which has been admitted by the honourable member. Leaving that matter for a moment, we shall consider the facts as they are. If the depressed classes and backward communities felt that the members of their community were as good as members of other communities, they would surely have elected men of their own community. But they do not like to vote for their own men and prefer to vote for others. (An Honourable Member : Influence.)

Then the point was raised that out of a population of 11 lakhs, there are only 140,000 voters. That is true. Ordinarily a family consists of four or five members. There might be families consisting even of 10 members. In that case, a family of so many members occupying a tenement will have one vote. Therefore, the number of voters in a population is dependent upon the number of members in each family, and it will thus come to nearly 50 per cent.

Sir, my sympathy with the backward classes is not merely in words. I have shown it by action. They are now in increased numbers on the local bodies. My honourable friend opposite (Mr. J. C. Swaminarayan) said that Government are not sympathetic towards the depressed classes. Is the honourable member more solicitous than Government for the welfare of the depressed classes? Who brought in the bill to give the depressed classes representation? It is a member of this so-called Satanic Government. It is not the honourable member who gave that representation. (Interruption) My honourable friend (Mr. N. A. Bechar) decries communal representation from the platform but preaches that doctrine here. His professions are different from his practice. I do not wish to be like the honourable member. If I want to adopt a principle, I must be consistent throughout. If the backward communities in the Bombay city organise themselves, as the backward

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communities in the mofussil have done, they will be able to capture a much greater number of seats in the corporation.

Question put. House divided. Ayes 17, Noes 50.  
Motion lost.

*Divided on No. 13.*

#### Ayes

AMBEDKAR, Dr B R	JOSHI, Mr S C
ANGADI, Rao Bahadur S N	LICADFE, Mr S P
ASAVALE, Mr R. S	PAUL, Rao Sahab D R
BECHAR, Mr N A	SARDesai, Mr S A
BOLE, Mr S K	SOLANKI, Dr PURUSHOTAMRAI G
GINWALLA, Mr F J	SWAMINARAYAN, Mr J C
JADHAV, Mr B V	SYED MUNAWAR, Mr
JIFEKAR, Mr HAJI IBRAHIM HAJI	THORAT, Said U S B
MAHOMED	VANDIKAR, Rao Sahab R V

*Tellers for the Ayes* Mr S K BOLE AND Dr P G SOLANKI

#### Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab	LALJI N LALJI, Mr
ADDYMAN, Mr J	LALJEE, Mr HOOSAINBHAY ABDULLAHBHAY
ATIAHBAKSH walad Khan Sahab HAJI MAHOMED UMAR, Mr	MANSURI, Khan Sahab A M
ANDERSON, Mr F G H	MARTIN, Mr J R
ANDREW, Mr T A	MARZBAN, Mr P J
BAIAK RAM, Mr	MEHTA the Honourable SH CHUNILAL
BHITO, Khan Bahadur S N	MONTEATH, Mr J
CHANDRACHUD, Mr N B	MUJUMDAR, Sardar G N
DABHOLKAR, Sir VASANIRAO	MUNSHI, Mr K M
DAWOODKHAN SHAHEBHAY, Mr	NAIK, Rao Bahadur B R
DESAI, the Honourable Dewai Bahadur HARILAL D	NANAI, Mr B R
DESHPAKDE, Mr L M	NOOR MAHOMED, Mr
DIXIT, Dr M K	PAHALAJANI, Mr B G
DOW, Mr H	PATIL, Mr J R
GHOSAL, Mr J	PEIT, Mr J B
GHULAM HUSSAIN the Honourable Sir	POOLEY, Mr C B
GUJAL, Mr N R	PRADHAN, the Honourable Mr G B
HATCH, Mr G W	RAHMIMOOJA, Mr HOOSAINALLY M
JAIRAMDAS DOLAIRAM, Mr	RIEU, the Honourable Mr J L
JHANGIR, the Honourable SH COWASJI	SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
JOC, Mr V N	SHIVDASANI, Mr H B
JONES, Major W ELLIS	SMART, Mr W W
KATE, Rao Bahadur R R.	SURVE, Mr V. A
KARKI, Mr M. D	TURNER, Mr C W A
	WEBB, Mr M
	WHIS, Mr G

*Tellers for the Noes* Mr HOOSAINBHAY ABDULLAHBHAY LALJEE AND Mr HOOSAINALLY M RAHMIMOOJA

The Honourable the PRESIDENT: There is a request made to me in writing, signed by sixteen honourable members of this House proposing that on the last day of the Council, that is the 18th (Tuesday) the Council should sit from 10 to 2, in order to give convenience to those who wish to go away to their places in the afternoon. I should like to know the general opinion of the House, and particularly the opinion of the Leader of the House.

The Honourable Sir CHUNILAL MEHTA: Sir, this matter was mentioned to me this morning. An objection was raised by the honourable member Mr. Asavale on the ground that there is a Housing

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Committee meeting on that day before 2 p.m., but it was pointed out to him that the Housing Committee meeting could be held later on during the day. It seemed to be the general desire of the members of the House that we should sit in the morning. We have no objection to that.

The Honourable the PRESIDENT: Then, I understand that it is the desire of the House that the House should meet at 10 and sit till 2, and that will be so.

**BILL No. XXVII OF 1927 (A BILL FURTHER TO AMEND THE  
CITY OF BOMBAY MUNICIPAL ACT, ACT No. III OF 1888).**

*Motion for First reading*

Mr. SYED MUNAWAR: Sir, I beg to move the first reading of Bill No. XXVII\* of 1927 (A Bill further to amend the  
First reading City of Bombay Municipal Act, Act No. III of 1888).

Sir, it will be seen from the five clauses of the bill that it is absolutely free from any tinge of communal bias. There are three principles underlying this bill. One is, lowering of the franchise; secondly, re-distribution of seats on the basis of population; and thirdly, provision of Labour representation by adding four more seats to the existing number of corporators without disturbing the present arrangement.

The Honourable the PRESIDENT: Clauses 3 and 4 are now out of order. Do I understand the honourable member to speak about the point which is in order leaving out those which are out of order?

Mr. SYED MUNAWAR: Mr. President, the first two points have already been declared to be out of order. The only point that remains then is the provision of representation to Labour. In the Bombay municipal corporation representation has been given to the Indian Merchants' Chamber, the Bombay University and the Bombay Chamber of Commerce and the Bombay Millowners' Association. So the capitalists have been given more representation in spite of their small number. Though the working population which according to Mr. Findlay Shirras's "Family Budgets" numbers 4,58,000 out of a total 11,75,000, they have not been given adequate representation in order that their interests may be properly safeguarded. Sir, it is now admitted on all hands that Labour as such has been recognised in the local legislature and in the Imperial legislature where due representation is given to Labour. When three seats have been given in this House to Labour—no matter whether it is by nomination, and nominations will have to be continued until Labour is well organised, the fact remains that Labour as such has been recognised in this bigger body. So it is but legitimate on the part of Labour, with such a big population in the industrial city, Labour which is directly concerned with the civic problems of the city, to claim that they should be given proper share of representation. I have put forward a very modest claim namely, four seats, without disturbing the present arrangements. As compared with the population, four seats are quite negligible.

[Mr. Syed Munawar]

and I think the House will fully realise the importance of my claim and will lend its support to this provision with regard to Labour representation. If there be any defects in the bill I hope the same will be remedied by referring the bill to a select committee. I do not like to take much of the precious time of the House. I hope that some honourable members who are in sympathy with the cause of Labour will lend their support and I trust the House will allow the passage of this bill.

Question proposed.

Mr. R. S. ASAVALE : I rise to a point of order. In clause 4 the honourable mover proposes that the word "ten" shall be substituted by the word "three". This was not under discussion before the House.

The Honourable the PRESIDENT : The principle, namely, the reduction of the franchise was before the House. The honourable mover has understood it already.

I want to know if there are any speakers who can finish in five minutes.

Mr. S. K. BOLE : I shall be able to speak in five minutes, Sir. I rise to support the first reading of this bill moved by my honourable friend Mr. Syed Munawar. The bill is very simple. When due representation has been given to the capitalists such as the Indian Merchants' Chamber and the Chamber of Commerce, why should there be no adequate representation for Labour who have got no sufficient number of votes in the general election? I was defeated not because I got no Labour support but because Labour has got no sufficient number of votes. Even Mr. Jhabwala was defeated in the last municipal election on account of the same reason. I therefore think that the demand in the bill is very modest and there is no any communal question there. It is in the interests of general Labour and I hope there will be no objection at least to this bill.

The Honourable the PRESIDENT : The House is adjourned to 1-30 p.m., the day after to-morrow, Monday, the 17th October 1927.





*Monday, the 17th October 1927*

The Council re-assembled at the Council Hall, Poona, on Monday, the 17th October 1927, at 1-30 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, MOULVI RAFIUDDIN  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 ATAVANE, Mr. A. M.  
 BALAK RAM, Mr.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BOLE, Mr. S. K.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GINWALLA, Mr. F. J.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HATCH, Mr. G. W.  
 HOTSON, the Honourable Mr. J. E. B.  
 JADHAV, Mr. B. V.

JAIRAMDAS DOULATRAM, Mr.  
 JEHANGIR, the Honourable Sir COWASJI  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KARKI, Mr. M. D.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LIGADE, Mr. S. P.  
 MAJMUDAR, Mr. N. G.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 MUKADAM, Mr. W. S.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 POOLEY, Mr. C. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED, MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Questions.

## PROSTITUTION, BOMBAY CITY

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) whether they have taken any steps to remove prostitutes, dancing girls and houses of ill-fame from the main roads and thoroughfares of Bombay through which the main tram lines pass in general, and such roads as Duncan Road, Foras Road and Falkland Road in particular, and also from the vicinity of religious places of worship of all denominations and castes and schools and teaching institutions all over the city ;

(b) whether they intend to launch prosecutions against landlords who receive rents from prostitutes and such other persons of ill-fame ;

(c) whether they intend to segregate the locality and habitations of prostitutes and such allied persons away from the thickly populated places in all the wards of the Bombay city and to locate them in the northernmost part of the city ;

(d) whether they have got any scheme in view for the same, and if so, whether they will be pleased to put the scheme on the Council table ?

The Honourable Mr. J. E. B. HOTSON : (a) Some steps of the nature described in the question have been taken, but the subject is one bristling with so many difficulties that every separate case has to be dealt with on its merits. There is only too much reason to fear that extreme measures would cause at least as much evil as they might cure.

(b) No, because the reception of such rents is not punishable under the Prevention of Prostitution Act.

(c) and (d) No.

## COTTAGE INDUSTRIES : DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) what efforts they have made during the last ten years for starting and revising various minor and cottage industries suitable to the conditions of the depressed (agricultural) classes in villages ;

(b) whether any efforts are made to improve the economic condition of the depressed classes by Government in the villages ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The attention of the Honourable Member is invited to the reply given to question No. 4 put by the Honourable Member for Nasik District printed at page 32 of the eighth list of questions and answers of the last session of the Legislative Council.

(b) Government consider that as a result of their policy in assisting the backward classes educationally and giving them reasonable facilities for employment there has been a general rise in their economic condition during recent years.

## PUBLIC SERVICE : DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to give the number of the depressed classes in public services in the five

districts of Gujarat and in Bombay City, with their respective sub-castes :

District	Department	Number of Depressed Classes employed	
		As peons	On the staff

The Honourable Sir CHUNILAL MEHTA : The information is being collected ; but it will not be possible to ascertain their sub-castes without considerable expenditure of time and labour.

#### PRISONER SHERSING

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state—

(a) whether it is a fact that the health of Mr. Shersing, convicted in the Ghaddar case at Lahore and now confined in the Karwar prison, has been seriously undermined owing to indigestion and severe intestinal pain owing to want of proper medical attendance ;

(b) what was Mr. Shersing's weight two years ago and what it is at present ?

The Honourable Mr. J. E. B. HOTSON : (a) No. The prisoner is robust and his health has not been undermined by indigestion or any other complaint.

(c) His weight was 188 lbs. in July 1925 and is 196 lbs. at present.

Mr. JAIRAMDAS DOULATRAM : Is it not a fact, Sir, that sometimes increase of weight is also caused by certain illnesses ?

The Honourable Mr. J. E. B. HOTSON : I do not think the honourable member can have it both ways, Sir.

Mr. JAIRAMDAS DOULATRAM : Have Government any objection to have this prisoner transferred to the Punjab, from where he comes ?

The Honourable Mr. J. E. B. HOTSON : It is not a question of what we desire. It is the Government of the Punjab and the Government of India who have arranged to send him here.

#### REVENUE IN GUJARAT : LAND REVENUE, INCOME TAX, AND EXCISE REVENUE

Mr. V. A. SURVE (Ratnagiri District) : Will Government be pleased to state—

(a) the amounts realised from land revenue, income tax and excise revenue in each of the districts, viz., Ahmedabad, Kaira, Panch Mahals, Broach and Surat, in the year 1926-27, together with the population of each of the above-mentioned districts ;

(b) the amounts of cost to Government for the administration of each of the above-named subjects in each of the above-named districts in 1926-27 ?

The Honourable Sir CHUNILAL MEHTA : (a) For figures of receipts under land revenue and excise in each of the five districts, the honourable member is referred to the reports on the administration of Land Revenue and Excise in this Presidency for 1925-26 and he is informed that similar reports for 1926-27 will shortly be published. As regards revenue from Income Tax, the honourable member is informed that income tax is a central subject and that the proper place for such a question is the Legislative Assembly. For figures of population of each district, the honourable member is referred to the Bombay Census Report, 1921.

(b) The cost of that part of the administration dealing purely with land revenue has not been worked out as there are various other duties which revenue officers have to perform. Information regarding the cost of excise administration in each of the five districts is being called for. As regards the cost of Income Tax administration, reference is invited to the last but one sentence of the reply to clause (a) above.

#### THAKOR OF SANAND : HOUSE CONSTRUCTION

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether Mehta Keshavji Chhaganlal got permission No. 115 from the Municipality of Sanand by the Municipal Resolution No. 294, dated 19th January 1924, in response to his application dated 1st January 1924 for reconstructing his house which had fallen down ;

(b) whether the servants of the Thakor of Sanand prevented him from reconstructing the fallen house, demolished the fallen house from its very foundations and took away all the materials of the fallen house ;

(c) if the answer to (b) is in the affirmative, on what grounds the action of the Thakor to confiscate the materials of a fallen house is justified and under what authority the Thakor is preventing the reconstruction of a house for which a regular permission has been given by the Municipality of Sanand ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) The plot was enclosed by wooden rafters and bamboos, with a gate, but had no roof. The Thakor's servants prevented the reconstruction and demolished the erection. There is however no evidence to show that they removed the materials.

(c) The question is one that affects the civil rights between the Thakor and his tenants, and Government have no means of knowing whether the Thakor's action was justified or not.

Mr. J. C. SWAMINARAYAN : Have the Thakor's servants any right of ownership to structures before the Thakor's establishment his rights in a civil court ?

The Honourable Mr. J. L. RIEU : I would refer the honourable member to the answer to part (c) of his question.

## THAKOR OF SANAND : LEVY OF HOUSE RENT

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether Fakir Daoodshah Abhramshah got permission from the Municipality of Sanand by the Municipal Resolution No. 345, dated 18th February 1927, in response to his application dated 17th November 1926 for constructing houses on his land situated in the *Gamtal* of the town of Sanand ;

(b) whether the Thakor of Sanand is summoning the said Fakir Daoodshah Abhramshah to the Darbargadh and threatening him to consent to pay a rent for the houses which he has built on his own land with the permission of the Municipality ;

(c) if the answer to (b) is in the affirmative, what steps Government have taken to prevent such threats and harassments to the said Fakir by the Thakor of Sanand ?

The Honourable Mr. J. L. RIEU : (a) Yes, but the question whether the land is the property of Fakir Daoodshah is in dispute.

(b) The Thakor is demanding that the person in question should agree to pay rent on the ground that the house is built on wanta land which is his property.

(c) No action can be taken by Government in regard to this demand. The aggrieved party's remedy lies in the Civil Court.

Mr. J. C. SWAMINARAYAN : Is not wanta land within the municipal limits of Sanand ?

The Honourable Mr. J. L. RIEU : Yes ; presumably so.

## HIGH SCHOOL, MODASA : GRANT-IN-AID

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether the Director of Public Instruction informed the authorities of the Modasa Education Society's High School, Modasa, on the 3rd January 1927 to the effect that—

“ It is noted that Rs. 3,472 is a grant due to the school for the current year. This amount or any lesser amount which can be spared according to the funds being available will be sanctioned to the school at the close of the official year ; ”

(b) if the answer to (a) is in the affirmative, what were the reasons of entirely neglecting the payment of any grant to the said High School at the end of the official year 1926-27 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) The grant could not be paid because funds were not available.

## SCHOOLS : CLASSIFICATION FOR GRANTS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether a new school to which a grant has been sanctioned to be paid but has not been paid at the end of the official year is treated as an old or a new school in the succeeding year ;

(b) whether such a school is eligible for the payment of the grant along with the old existing school or is compelled to wait till the end of the official year for the payment of a grant at the end of the official year from any surplus funds which would be left after the payment of grants to all the existing schools ;

(c) if the answer to (b) is that the kind of school referred to in (a) is treated as a new school in the succeeding year, whether Government intend to consider the question of removing the hardship in the case of new schools by ruling that a new school to which a grant has been sanctioned but not paid at the end of the official year will be treated as an old school and will be made eligible for the payment of a grant along with the old schools ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) It is treated as a new school.

(b) Grant-in-aid is paid to such a school only when funds become available.

(c) No.

Mr. J. C. SWAMINARAYAN : Is it not likely that the new school would in this case have to wait for years after years because no funds may be available ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is possible. But when a school is recognised once for a grant, it will stand a higher chance of getting it.

Mr. J. C. SWAMINARAYAN : Supposing a school to which a grant has been promised may not receive the grant in that year. Would it not be treated as a new school in the next year according to this practice and would it not have to wait for a grant *ad infinitum* ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It may be possible, but the question will be specially considered.

#### HIGH SCHOOL, MODASA : GRANT-IN-AID

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state

(a) whether they are aware that Modasa High School is a public school managed by Modasa Education Society ;

(b) whether the financial condition of that society has been greatly straitened by the failure of Government to pay any portion of the grant of Rs. 3,472 which was sanctioned to the school on 3rd January 1927 ;

(c) whether Government intend to give special consideration to the Modasa High School during the current year 1927-28 by treating it as an old school eligible for grant along with the other existing old school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) Government have no information in this respect. It may however be observed that the grant was provisionally sanctioned on the condition that it would be paid only if funds were available.

(c) Funds permitting, attempt will be made to consider the matter favourably.

**EXCISE ADVISORY COMMITTEE : REPRESENTATION BY  
COMMUNITIES**

**Mr. SYED MUNAWAR :** Will Government be pleased to state in regard to the personnel of the various Excise Advisory Committees in Bombay City, how many are Mussalmans, how many Christians how many Parsis, and how many Hindus and how many others ?

**The Honourable Mr. G. B. PRADHAN :** A statement furnishing the information required is placed on the Council Table.

Personnel of the Committees							
Name of the Advisory Committee	Official	Non-Official					Remarks
		Mahome- dans	Chris- tians	Parsees	Hindus	Euro peans	
The General Advi- sory Committee	3	1	3	7	10	3	24 The three offi- cial members are —
A Ward Sub-Com- mittee	3	1		3		2	(1) The Collec- tor of Bom- bay (Chair- man of all the committees),
B Ward Sub-Com- mittee	3	1		2	3		(2) The Muni- cipal (ommis- sioner,
C Ward Sub-Com- mittee	3			2	4		(3) The Police Commissioner
D Ward Sub-Com- mittee	3	1	1	2	1	1	All of them are Euro- peans
E Ward Sub-Com- mittee	3			2	4		
F Ward Sub-Com- mittee	3		1	1	2	2	
G Ward Sub-Com- mittee	3		1		4	1	

**Mr. SYED MUNAWAR :** May I know why there is such unfair dis-  
tribution among the different communities ?

**The Honourable Mr. G. B. PRADHAN :** Does the question arise ?  
The only question is how the committees are constituted.

**Mr. SYED MUNAWAR :** From the number of representatives of the  
different communities on the committee, does the question not arise ?

**The Honourable Mr. G. B. PRADHAN :** No.

**Mr. P. J. MARZBAN :** Will the Honourable Minister for Excise say  
whether these advisory committees represent the figures of the advisory  
committees before the former committees resigned ?

**The Honourable Mr. G. B. PRADHAN :** Yes.

**Mr. P. J. MARZBAN :** And will Government be pleased to say whether  
these figures are of advisory committees appointed by the corporation ?

**The Honourable Mr. G. B. PRADHAN :** Yes ; the committees were  
appointed by the corporation ; so, the question of the constitution does  
not arise.



Dr. M. K. DIXIT : Can Government interfere with the constitution of a committee appointed by the corporation ?

The Honourable Mr. G. B. PRADHAN : No ; Government cannot.

EXCISE ADVISORY COMMITTEE : REPRESENTATIVES INTERESTED  
IN THE TRADE

Mr. SYED MUNAWAR : Will Government be pleased to state how many persons in the several Excise Advisory Committees in Bombay City are interested in the liquor trade, and also how these persons have generally expressed their views ?

The Honourable Mr. G. B. PRADHAN : Three members of the Bombay Excise Advisory Committee hold liquor licenses and can therefore be said to be interested in the liquor trade. Government are not aware how these persons have generally expressed their views, and are not prepared to make enquiries on the subject.

Mr. SYED MUNAWAR : May I know why Government are not prepared to make enquiries on the subject ?

The Honourable Mr. G. B. PRADHAN : Because presumably they must have voted for the liquor trade as they are holding liquor licenses, but it is not the practice of Government to make enquiries of the advisory committees as to how each member voted.

SEAMEN'S RECRUITMENT : JOINT MARITIME BOARD

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether their attention has been drawn to the International Labour Office Bulletin "Industrial and Labour Information," dated 16th May 1927 concerning seamen's recruitment in Japan ;

(b) if so, whether and when they propose to start such a system in Bombay ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) A system similar to that which has been started in Japan has not been considered by Government and they are not at present prepared to give any assurance that they would be prepared to accept it.

Mr. SYED MUNAWAR : In the latter part of answer (b) it is stated "A system similar to that which has been started in Japan has not been considered by Government and they are not at present prepared to give any assurance that they would be prepared to accept it." Is this recommendation not similar to one of the alternative recommendations made by the Clow Committee appointed by the Government of India in 1922 ?

The Honourable Sir COWASJI JEHangIR : Is it the honourable member's question that the system prevalent in Japan was suggested by the Clow Committee ?

Mr. SYED MUNAWAR : It is similar to one of the recommendations made by the Clow Committee appointed by the Government of India in 1922, and the recommendation was made by the Government of India to the Bombay Government.

The Honourable Sir COWASJI JEHangIR : No recommendation was made to the Government of India by the Government of Bombay. The Clow Committee submitted their report to the Government of India.

Mr. SYED MUNAWAR : Were not recommendations made to the maritime local Governments ?

The Honourable Sir COWASJI JEHangIR : No recommendations were made to the local Government.

Mr. SYED MUNAWAR : Will the Bombay Government be pleased to consider these recommendations ?

The Honourable Sir COWASJI JEHangIR : They have considered these recommendations.

Mr. SYED MUNAWAR : With what result ?

The Honourable Sir COWASJI JEHangIR : The result is that Government are at present of the opinion that the system prevailing in Bombay is the best adapted under the circumstances. They are giving the matter further consideration as my honourable friend knows.

#### QUACKS

Mr. SYED MUNAWAR : Will Government be pleased to state what steps they propose to take in order to prevent quacks from practising medicine as a profession, whether dentistry, surgery, ophthalmology ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The honourable member is referred to the Bombay Medical Act, 1912, and the Indian Medical Degrees Act, 1916. The former confers certain privileges on doctors who register under it, and thus indirectly discourages quacks. The latter provides penalties for falsely assuming or using Medical titles. Government do not propose to take any further steps in the matter.

#### TEXTILE WORKERS : DISMISSALS

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether their attention has been drawn to pages 8--10 of Bombay Textile Labour Union Report for the year 1926 ;

(b) whether, in view of the fact that welfare of labour is a provincial subject, they have considered the expediency of providing necessary legislation to protect textile workers ;

(c) if so, when and what steps they propose to take in the matter ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) and (c) No.

Mr. SYED MUNAWAR : May I know why the answer is in the negative to (b) and (c) ?

The Honourable Sir COWASJI JEHangIR : I am afraid that the answer will be a very lengthy one, Mr. President. Shortly, so far as I remember, the recommendations contained in pages 8 to 10 are for

actions which concern the internal administration of the mills and such actions can best be taken by the agents of individual mills.

#### LABOUR WELFARE : COTTON TEXTILE BOARD RECOMMENDATIONS

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether welfare of labour is a provincial subject ;

(b) if so, what steps they have taken in the interests of Labour, to give effect to the recommendations of the Indian Tariff Board (Cotton Textile Industry Enquiry), particularly recommendations Nos. 46, 47, 48, 49, 50, 51, 53, 54, 55, 56 and 57 in the summary of conclusions and recommendations (pages 209 and 210 of the report) ;

(c) whether, after the publication of the Tariff Board Report, they consulted either the employer's or employees' organisations about such of the recommendations which are stated to be conducive to the welfare of labour ;

(d) if so, the names of the organisations which they addressed and also what replies were received by them ; if not, why not ?

The Honourable Sir COWASJI JEHangIR, : (a) Yes.

(b). (c) and (d) The Tariff Board was appointed by the Government of India and the report submitted by the Board is on the whole for the consideration of that Government. The Government of India have so far addressed the Government of Bombay with regard to the recommendations contained in paragraphs 57, 59-72, 82 and 99 of the report which are under the consideration of Government at present. The recommendations mentioned in part (b) of the question do not call for any official action, as the initiative in such matters rests with the Mill-owners.

#### IRRIGATION, NASIK DISTRICT : BLOCK SYSTEM

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether it is a fact that the Block System in the irrigated tracts of the Nasik District has been found by the irrigators very troublesome and they have complained against this ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### RETRENCHMENT OFFICER'S REPORT

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether they have now received the Report of the Special Officer appointed to investigate possible sources of retrenchment in the various Departments ;

(b) if so, whether they propose to place it on the Council table ;

(c) whether they propose to carry out the suggestions in the coming Budget ?

The Honourable Sir CHUNILAL MEHTA : (a), (b) and (c) The attention of the Honourable Member is invited to the printed statement, already supplied to all Members of the Legislative Council.

## PEONS AND MENIALS : INCREASE OF PAY

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) when they propose giving increments to Government peons and menials as recommended by the last Council;

(b) whether they propose making provision for this in the next Budget?

The Honourable Sir CHUNILAL MEHTA: (a) Government do not propose to raise the pay of their peons and menials, but the revision of their pensions is under consideration.

(b) No.

Mr. F. J. GINWALLA: Is it because the pay of Government peons and menials is high that Government do not propose giving them increments?

The Honourable Sir CHUNILAL MEHTA: Because of the financial condition of the Presidency and because their pay has already been raised.

## MOSSUM BRIDGE, MALEGAON

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state—

(a) how long ago the Mossum Bridge at Malegaon, district Nasik, was erected and how often it has been repaired up to now;

(b) whether they are aware that it is in a shaky state;

(c) whether they intend to rebuild it or to build a causeway, in its stead?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

## MASJID, PANDAW WADA, ERANDOL

Mr. G. A. D. WASIF (Central Division): Will Government be pleased to state—

(a) whether they have taken under their control the Masjid known as Pandaw Wada at Erandol in the East Khandesh district;

(b) what arrangements are made regarding its upkeep;

(c) whether any permission was asked for by the local Mahomedans to repair it;

(d) whether Government allowed them to do this;

(e) if not, on what grounds?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

## ROAD COMMUNICATION : SHOLAPUR TO PANDHARPUR

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities): Will Government be pleased to state—

(a) how many motor cars run every day from Sholapur to Pandharpur and *vice versa*;

(b) how many motor cars run during the Ashadi and Kartiki fairs;

(c) whether it is a fact that the motor cars with pilgrims in them cannot cross the Bhima river at Pandharpur which generally rises above the top of the causeway owing to floods at the time of the Ashadi fairs ;

(d) whether it is a fact that the pilgrims have therefore to cross the Bhima river by ferry boats during the Ashadi fair ;

(e) whether it is a fact that the motor cars with pilgrims in them on the way to and from Pandharpur have to wait very long before they are able to cross the flooded Sina river at Lamboti ;

(f) whether they are aware of these inconveniences and troubles caused to the pilgrims during the Ashadi fair ;

(g) whether they intend to take any steps to remove the present inconveniences by building bridges over the Sina and Bhima rivers ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

#### ROAD COMMUNICATION : SHOLAPUR TO BIJAPUR

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(a) how many rivers and nals are bridged on the Sholapur-Bijapur road ;

(b) how many still remain to be bridged ;

(c) at what places bridges over rivers and nals are to be built ;

(d) whether it is a fact that the bridge over the Sina river serves no useful purpose at present as it is not possible to cross the Bhima river on the Sholapur-Bijapur road as there is no bridge over it ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

#### SHOLAPUR-BARSI ROAD

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(a) whether it is a fact that regular motor traffic has been started between Sholapur and Barsi ;

(b) whether it is a fact that the whole length of this road does not lie in British territory ; if so, how many miles of this road are in British territory and how many miles in that of His Exalted Highness the Nizam's ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.

#### GRAZING GROUNDS, THANA DISTRICT

Dr. P. G. SOLANKI on behalf of Dr. B. R. AMBEDKAR : Will Government be pleased to state—

(a) whether their attention has been drawn to the information published on pages 372 and 417 of the *Vividha Jnana Vistar* of the year 1926 :—

(b) if so, whether they intend to take steps to order such varkas or grass lands to be free from assessment ;

(c) whether they intend to let open the forest lands of the village of Badalapur in the Thana District for agricultural and grazing purposes as the income from those forest lands is comparatively very small ?

The Honourable Mr. J. L. RIEU : (a) Only when the Honourable Member gave notice of this question.

(b) No.

(c) No.

#### FOREST LANDS FOR DEPRESSED CLASSES

Dr. P. G. SOLANKI on behalf of Dr. B. R. AMBEDKAR : Will Government be pleased to state—

(a) whether they are aware of the enormous extent of unemployment prevailing among the depressed classes ;

(b) whether in view of the fact that many occupations are closed to the depressed classes owing to the system of untouchability, they intend to consider the question of forming settlements of the depressed classes wherever tracts of forest lands are available as has been done by the Mysore Government ;

(c) whether they intend to give preferential treatment to applicants from the depressed classes for forest lands ?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) Such settlement have already been formed in the three Khandesh Divisions, and the feasibility of forming further settlements will be considered if applications are made and suitable lands in forests are available.

(c) Application from depressed classes for forest lands will be favourably considered, but no promise of preferential treatment can be held out.

Mr. W. S. MUKADAM : May I know whether Bhils and Dharalas are included in the depressed classes ?

The Honourable Mr. G. B. PRADHAN : They are backward communities but I do not think they can be called depressed in the sense of untouchability. Facilities should be given to them because they are backward.

Mr. W. S. MUKADAM : Do they come under this special category ?

The Honourable Mr. G. B. PRADHAN : I think Government will be prepared to consider their case favourably, but I am not prepared to call them “depressed” or “untouchable.”

Dr. P. G. SOLANKI : Are not Dharalas, Bhils Dublas, etc., classified under the aboriginal and criminal tribes.

The Honourable Mr. G. B. PRADHAN : I want notice of that question.

## MUSIC CLASSES : GRANTS

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

- (a) in how many primary and secondary schools for girls instruction in Indian music is given in this presidency ;
- (b) how many local authorities are given grants for maintaining musical classes ;
- (c) how many musical classes are maintained from provincial funds ;
- (d) whether they maintain any Academy of Music ? If not the reasons for the absence of such an institution in this presidency ;
- (e) which private institutions maintain classes of music in this Presidency and the amount given as grant-in-aid to each of these institutions ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Primary Schools—92 : Secondary Schools—19.

(b) None.

(c) None. Music is, however, taught in the Practising Schools attached to the Training Colleges for Women at Ahmedabad and Dharwar and in the Anglo-Vernacular Girls' Schools at Dharwar and Bijapur and in the Girls' High School, Ahmedabad.

(d) No, there has been no demand for one.

(f) The following 13 schools teach Music and receive grants from Government :—

			Grant paid in 1926-27 Rs.
1.	Sajani Sangit Varga, Bombay	.. ..	628
2.	Balsara Music class, Bombay	.. ..	200
3.	Arya Gayan Vadan classes, Ratnagiri	.. ..	300
4.	Poona Gayan Samaj .. ..	.. ..	2,000
5.	Seva Sadan Music class, Poona	.. ..	375
6.	Matange's Special Singing class, Satara	.. ..	113
7.	Music class attached to Northcote High School, Sholapur.		150
8.	Music class attached to Haribhai Deokarana High School, Sholapur.		150
9.	Shri Datta Gayan Vadan Vidyalaya, Ahmednagar	.. ..	200
10.	Seva Sadan Harmonium and Music class, Ahmednagar.		142
11.	Gayan Vidya Prasarak Samaj, Jalgaon	.. ..	200
12.	Sangit Samaj, Jalgaon	.. ..	378
13.	Singing class attached to High School, Bijapur	.. ..	150

## FLOOD DRAINS, GUJARAT

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state—

- (a) whether any drains exist to carry off the flood waters in the flooded districts of Gujarat (please state the names of these drains and the parts of the districts they serve) ;

(b) whether it is a fact that these drains were constructed long ago and have silted up ;

(c) the expenditure incurred for keeping each of these drains in order and to prevent them being silted up during each of the last ten years ;

(d) whether they are aware that settlement officers and engineers had recommended the construction of more drains in these flooded tracts ; if so, what action was taken by Government on these reports ;

(e) when the existing drains were constructed ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### FLOOD DRAINS, GUJARAT

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) how many old drains existed in the flood-stricken parts of Gujarat before the establishment of the Public Works Department (please name these drains) ;

(b) whether it is a fact that they are neglected and have been allowed to be silted up ;

(c) whether they intend to construct sufficient drains to carry off the flood waters from the villages subject to flooding during excessive rains ;

(d) what measures they intend to adopt to secure the Gujarat district from the effects of floods ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### BRIDGES IN KAIRA DISTRICT

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) how many bridges have been constructed from provincial funds in the Kaira District over the rivers in that district ;

(b) whether it is a fact that the existing bridges were constructed by the district local board ;

(c) whether they intend to construct bridges over the rivers Vatrak, Shedhi and Mohor ;

(d) whether it is a fact that the want of a bridge over the river Vatrak completely isolated the Collector's headquarters from Ahmedabad and the Khari cut villages from the rest of the district during the recent floods ?

The Honourable Sir GHULAM HUSSAIN : The information has been called for.



**MAMLATDARS' OFFICES, SHOLAPUR DISTRICT : WAITING ROOMS**

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(a) whether there are waiting rooms for the public in every Mamlatdar's office in the Sholapur District ;

(b) if so, whether they are reserved for the public and kept open during office hours ?

The Honourable Mr. J. L. RIEU : (a) There are waiting rooms for the public in all the Mamlatdars' offices in the district except those at Barsi and Malsiras, which are old fashioned buildings.

(b) Yes.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN : May I know the meaning of the word " old-fashioned ? "

The Honourable Mr. J. L. RIEU : I am not a dictionary.

MOULVI RAFIUDDIN AHMAD : Could not some alterations be made to make it up to date ?

The Honourable Mr. J. L. RIEU : I presume not, otherwise arrangements would have been made long ago. Government do recognise the desirability of providing sufficient accommodation.

MOULVI RAFIUDDIN AHMAD : In that case will Government consider the question of making necessary changes ?

The Honourable Mr. J. L. RIEU : It is largely a matter of funds.

**FLOODS, GUJARAT : DAMAGE AND RELIEF**

Mr. H. J. AMIN (Broach District) : Will Government be pleased to give the following information about the areas affected by heavy rains and floods in each taluka of Gujarat—

- (a) Number of villages affected ;
- (b) Number of lives lost ;
- (c) Number of animals lost ;
- (d) Number of houses fallen and destroyed ;
- (e) Number of acres of lands rendered unfit for agricultural use ;
- (f) Amount of total loss of all kinds ;
- (g) Amount of free relief given ;
- (h) Amount of Takavi for seed and the interest charged ;
- (i) Amount asked for by and given to the district local boards for effecting repairs to wells, tanks, roads and culverts ;
- (j) Number of free huts erected ;
- (k) Number of cheap grain shops opened with the names of places ;
- (l) Number of cheap building material depôts opened with the names of places ;
- (m) Number of affected villages visited by the Commissioner, Northern Division, Collector, Deputy Collector and Assistant Collector of each district in his own district with their dates, up to end of August 1927 ?

The Honourable Mr. J. L. RIEU : (a) to (m) The information desired by the Honourable Member can only be made available when the

present abnormal conditions have ceased and it becomes possible to appraise the full extent of the damage done and of the relief measures undertaken.

Mr. H. J. AMIN : Will the information be supplied when it is available ?

The Honourable Mr. J. L. RIEU : So far as possible, it will.

#### FLOODS, GUJARAT : OFFICIAL REPORTS

Mr. H. J. AMIN (Broach District) : Will Government be pleased to place on the Council table the reports of the Honourable Members and Honourable Ministers of Government who visited the affected areas in districts of Gujarat as also the reports of the district officers of each district on the same subject, and the action taken by Government with regard to them ?

The Honourable Mr. J. L. RIEU : It is not the practice of Honourable Members and Ministers to write reports upon their tours, and in any case any notes that they may record are confidential. The reports of district officers are intended for departmental use and not for publication.

Mr. H. J. AMIN : Will the Honourable Members and Ministers of Government give us some impressions of the observations they made ?

The Honourable Mr. J. L. RIEU : If the honourable member will address each Member or Minister of Government separately, his request will receive due consideration.

Mr. H. J. AMIN : Will the Honourable the Revenue Member himself give his own impressions ?

(No reply).

#### STRIKE : SWADESHI SPINNING MILLS, KURLA

Mr. R. S. ASAVALE (Bombay City, North) : Will Government be pleased to state—

(a) whether they are aware of the fact that there was molestation of women, free use of brick-bats, stone throwing, use of lathis and occasional rioting in Kurla during the period of the strike at the Swadeshi Mills in July 1927 ;

(b) if so, how long the disturbance lasted ;

(c) how many people were injured ;

(d) out of these, how many were men and how many women ?

The Honourable Sir COWASJI JEHangIR : (a) On one day only of the strike, which lasted for a week, was there any disturbance. There was no molestation of women, no true rioting and no use of lathis, but there was a little stone-throwing.

(b) The disturbance on this one day lasted for not more than half an hour.

(c) and (d) Six persons, of whom one was a woman, were slightly injured by stones.

Mr. R. S. ASAVALE : May I know the direct cause of the trouble ?

The Honourable Sir COWASJI JEHangIR : I am afraid I cannot remember just now the direct cause of the trouble, but if the honourable

member will give me notice, I will give him the reasons which directly led to the stone-throwing.

Mr. H. B. SHIVDASANI : What is meant by a true riot ?

The Honourable Sir COWASJI JEHangIR: Throwing of a few stones is not a true riot ; a true riot means a little more than that.

Mr. H. B. SHIVDASANI : I want to know what is meant by a true riot.

The Honourable Sir COWASJI JEHangIR: I have not been informed how many stones were thrown to be able to judge. But I presume that the throwing of a few stones for half an hour could hardly be called a riot.

Mr. J. C. SWAMINARAYAN : In reply to (c) and (d) it is stated that a woman was slightly injured. How does the Honourable Member say then that there was no molestation of women ?

The Honourable Sir COWASJI JEHangIR: A stone may hit a woman, but it does not mean that there was actual molestation of women.

#### (CITY SURVEY, ALIBAG)

Mr. A. M. ATAVANE (Kolaba District) : Will Government be pleased to state—

(a) what is their policy in introducing city surveys in different towns and villages of the Kolaba District, and what are the reasons of such introduction ;

(b) whether they are aware of the principle that city survey is generally to be applied to a village or town which consists mostly of gavathan lands ;

(c) the reasons why a city survey is applied to the town of Alibag in face of the fact that out of the area of 403 acres of the town 20 gunthas are gavathan land ;

(d) whether they intend to provide gavathan for the town area of Alibag ;

(e) (i) whether they are aware of the agitation carried on by the landholders of the town of Alibag against the introduction of the city survey, and (ii) whether they intend to give any redress to the grievances in the matter ?

The Honourable Mr. J. L. RIEU : (a) Government have no policy special to the Kolaba District in this matter. The general reasons for the introduction of a city survey in certain towns and villages of this district are those common to city surveys in other districts. In the case of Alibag there were the special reasons that the Municipality had pressed for a city survey and that it was desirable to make a detailed enquiry into the numerous cases where agricultural land has been appropriated to non-agricultural purposes.

(b) The Honourable Member is referred to sections 95 and 131-133 of the Land Revenue Code and he is informed that his interpretation of the principle is not correct.

(c) The question of the existence or non-existence of gavathan land is not a factor in such cases. The essential condition is the existence of land which is being used for non-agricultural purposes, and this condition is fulfilled in the case of Alibag.

(d) Government have no such proposal under consideration.

(e) (i) Yes.

(ii) No, as Government do not admit that the landholders have any.

#### FLOOD RELIEF, GUJARAT AND SIND

Mr. N. A. BECHAR (Karachi City): Will Government be pleased—

(a) to lay on the Council table a comprehensive statement giving details of financial assistance rendered in connection with relief in flooded areas in Gujarat and Sind, particularly with reference to the work of reconstruction ;

(b) to state how far it falls short of the needs as expressed by the representatives of Gujarat at the Nadiad Conference ;

(c) to state how far it falls short of measures taken by the Baroda Government in their territory an account of which appeared in *Times of India* of 10th August 1927 ;

(d) to state whether they have perused a leaderette entitled “ A New Gujarat ” which appeared in the *Times of India* of 10th August 1927 ;

(e) to state whether they propose to do anything as indicated in the above article beyond supplying a few corrugated sheets and bamboos, etc., and again allowing the old insanitary conditions to prevail ?

The Honourable Mr. J. L. RIEU : (a) and (b) It is impossible to lay on the table a statement of the character desired by the Honourable Member until the relief operations have been completed.

(c) The Honourable Member will be able to form his own conclusions on this point after the relief operations in both areas have been brought to a close and their respective financial results are known.

(d) Yes.

(e) Government do not admit that this is an accurate description of their proposals.

Mr. N. A. BECHAR : In regard to (d) and (e), beyond saying yes, and that Government do not admit that this is an accurate description of their proposals, they do not give any indication as to how they propose to carry on the reconstruction. I want to know if there are any concrete proposals relating to this.

The Honourable Mr. J. L. RIEU : I should have thought that the statement I made to the House on the demand for the supplementary grant for flood relief operations would have given all the information required by the honourable member.

#### MILCH AND PLOUGH CATTLE SHORTAGE

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to state whether they are aware that the people of the presidency are

subjected to great hardship on account of the inadequacy and deterioration of milch and plough cattle ?

The Honourable Mr. G. B. PRADHAN : Government are not so aware.

#### PASTURE GROUNDS AND FODDER CROPS

Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to state whether they propose to take any step for providing pasture grounds and encouraging cultivation of fodder crops.

The Honourable Mr. G. B. PRADHAN : Government will be prepared to consider cases in which action in the direction indicated is reported to be necessary.

#### MOTOR STAND : WADA NAWADI

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether the motor stand at Wada Nawadi in Sangameshwar, district Ratnagiri, is located near a hotel in a crowded locality and in a narrow street leading to Chiplun ;

(b) whether a representation was submitted to Government asking them to remove the stand from its present site ;

(c) what action Government propose to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : (a), (b) and (c) Enquiries are being made.

#### FLOODS, GUJARAT : HOUSING OF MILL WORKERS, AHMEDABAD

Mr. S. K. BOLE : Will Government be pleased to state what steps they have taken to house the mill workers who were dishoused in Ahmedabad during the recent floods in Gujarat ?

The Honourable Mr. J. L. RIEU : Government are prepared to finance co-operative housing societies generally, including any such societies as may be established in Ahmedabad City up to a limit of Rs. 6 lakhs, and they are aware that non-official agency is devoting itself to this problem.

#### LIQUOR SHOP, VERSOVA

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether it is a fact that the residents of the village Versova near Andheri in the Thana District have submitted a petition to Government requesting them to remove the liquor shop at Versova ;

(b) if so, what steps Government have taken in the matter ?

The Honourable Mr. G. B. PRADHAN : (a) Yes. It is pointed out to the Honourable Member that Versova is in the Bombay Suburban not in the Thana district.

(b) The matter is under consideration.

#### TOURS OF THE HONOURABLE MINISTERS IN 1926

Mr. P. R. CHIKODI (Belgaum District) : Will Government be pleased to state—

(a) the villages or the towns together with their respective districts visited by each of the Honourable Ministers during their tours in 1926 ;

(b) the dates of these visits ; and

(c) the total expenditure incurred by each of the Honourable Ministers on account of such tours during the year 1926 ?

The Honourable Sir CHUNILAL MEHTA : (a), (b) and (c) The attached statements\* A, B and C furnish the information asked for.

Mr. P. R. CHIKODI : In view of the fact that the Honourable Minister visited, during the course of about four months, a particular district fifteen times, I should like to know from Government whether there was any special work or any special circumstance like the Gujarat floods for which the Honourable Minister was deputed to go to Satara, and in connection with which Government have paid the expenses of touring ?

The Honourable Sir CHUNILAL MEHTA : I would refer the honourable member to the Honourable Minister in question.

Mr. P. R. CHIKODI : This question is before the House, and I should like to have the information from whatever source it is available.

The Honourable Sir CHUNILAL MEHTA : Unfortunately, I am not, in possession of the information which the honourable member asked for, and I therefore refer him to the Honourable Minister concerned.

Mr. P. R. CHIKODI : Do you want fresh notice ? That is what I want to know.

The Honourable the PRESIDENT : I think the answer was due from the Honourable the Leader of the House, and he considers that the answer he has given is the answer to the question.

Mr. P. R. CHIKODI : Then I put the question to the Honourable Minister. In view of the fact that the Education Minister went to Satara 15 times in the course of four months during the year 1926, the election year, I should like to know whether there was any special work, or anything like floods, for which the Government deputed the Honourable Minister of Education, and in connection with which Government have incurred an expenditure to the extent of Rs. 4,000 on account of touring by the Ministers ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The honourable member is referred to the honourable member Mr. Jadhav, who was then the Minister, and who is present in the House.

Mr. P. R. CHIKODI : I should like to have some guidance from you, Sir, as to what you propose I should do.

The Honourable the PRESIDENT : I think the honourable member is entitled to ask the question he has asked, and it is not quite fair on the part of Honourable Members on the Government side to refer the honourable member to a Minister who is not in charge of the department now. The information is with Government, and the reasons are with them.

The Honourable Sir CHUNILAL MEHTA : So far as I can understand the question, the honourable member wants to know whether Government deputed any Minister to visit any place. Government do not depute any Minister to visit any particular place. It is entirely the

option of the Ministers to visit various places. I have not the least doubt that the then Honourable Minister had perfectly good reasons for visiting the place he did. Neither I personally nor Government possess the detailed information which I understand the honourable member to ask for, and under those circumstances, Sir, I cannot add anything to what I stated, and therefore I was constrained to refer him to the honourable member himself.

Mr. W. S. MUKADAM : From June to November the Ministers are out on tour. May I know the special reasons for all the Ministers to be out on tour in the period between June and November 1926 ?

The Honourable Sir CHUNILAL MEHTA : I am under the impression that the whole presidency including the constituencies of the Ministers desire to have as frequent visits from the Ministers as possible, and I am sure the honourable member from the Panch Mahals (Mr. Mukadam) desires the same.

Mr. W. S. MUKADAM : May I know whether Government have allowed the Honourable Ministers to have their election campaign side by side with the official work ?

The Honourable Sir CHUNILAL MEHTA : Yes.

Mr. W. S. MUKADAM : In these particular cases, may I know whether the Honourable Ministers were on their election campaign and performing their official duties, or while on official duty they were carrying on the election campaign ?

The Honourable Sir CHUNILAL MEHTA : I dare say it was greatly intermixed, but I am certain that they went for their official duties.

#### FLOODED AREAS, GUJARAT : RELIEF MEASURES

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) what measures they intend to adopt for the reconstruction of houses in the flooded areas of North Gujarat ;

(b) whether they intend to give loans without interest ; if not, why not ;

(c) whether they intend to give free grants to the depressed and labouring classes ;

(d) whether the land revenue will be remitted ; if so, for how many years it will be remitted ?

The Honourable Mr. J. L. RIEU : (a) and (b) The terms on which Government are prepared to make loans for reconstruction have been announced.

(c) Yes.

(d) Government do not propose to make any general remission of the land revenue but particular cases will be considered.

#### FLOODS, GUJARAT : OFFICIAL REPORTS

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will be Government pleased to place on the table the reports of the Collectors of the flooded districts on the total loss or

damage in each taluka and the amount required either as a free grant or loan to repair the loss or damage to house and other property ?

The Honourable Mr. J. L. RIEU : Government are not prepared to place upon the table the reports of their officers which are written for departmental use and not for publication.

Mr. H. J. AMIN : Is it a confidential report ?

The Honourable Mr. J. L. RIEU : It is a report to Government from their officers ; to that extent it is confidential.

Mr. H. J. AMIN : (Inaudible).

The Honourable the PRESIDENT : I have often informed honourable members that all reports submitted by their officers are confidential until they are published by Government and if they are published they can be placed on the table of the House.

Mr. W. S. MUKADAM : How are we to know, Sir, whether a report is confidential ?

The Honourable the PRESIDENT : If they are not placed on the table of the House they are of the other nature.

#### TAGAVI AS FLOOD RELIEF : GUJARAT

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) the amount of tagavi advanced to the cultivators in each of the flooded districts of this presidency ;

(b) the rate of interest at and the period for which the tagavi advances are made ;

(c) whether it is a fact that they have decided that no interest will be charged on tagavi advances made in consequence of the damage done by the flood. If the reply to this be in the affirmative, for how many years no interest will be charged on such loans ?

The Honourable Sir CHUNILAL MEHTA : (a) Information has been called for and will be placed on the Council table when received.

(b) and (c) Attention is invited to the press notes of 22nd August and 30th September. Cases not mentioned in those memoranda will be dealt with under the ordinary tagavi rules.

#### BRIDGE OVER KRISHNA RIVER AT KARAD

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) whether the officer deputed by them to ascertain and report the probable costs of a bridge over the Krishna river near Karad has submitted his report ;

(b) if so, what is the estimated cost of the bridge at both the places ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.



(b) The estimated costs of constructing bridges at three different sites are as under :—

	Estimated cost
	Rs.
(1) Bridge over the existing Khodshi weir	.. 5½ lakhs.
(2) Bridge 300 ft. downstream from Khodshi weir.	5 ..
(3) Bridge at Karad	.. 7½ ..

Mr. L. M. DESHPANDE : Have Government come to any conclusion with regard to the construction of a bridge in any one of these three places ?

The Honourable Sir GHULAM HUSSAIN : Not yet.

#### VILLAGES AFFECTED BY TATA SCHEMES

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state—

(a) the names of the villages that are covered by the water-power project prepared by Messrs. Tata Sons, Limited, together with the area ;

(b) whether they intend to invite the applications of rayots concerned for considering their grievances before they come to the conclusion that the scheme should *prima facie* be sanctioned ;

(c) whether they will be pleased to lay on the table a copy of the scheme of Messrs. Tata Sons, Limited ?

The Honourable Mr. J. L. RIEU : (a) The scheme submitted by Messrs. Tata Sons, Limited, is only a preliminary one, and details of the villages and their area that will be covered by it are not yet available.

(b) Yes.

(c) Government are not prepared to do this.

#### KRISHNA CANAL, SATARA DISTRICT

Mr. L. M. DESHPANDE (Satara District) : Will Government be pleased to state whether sanction for the insertion of certain conditions stated on page 761 of Volume XX of the Council Debates of 1927 was given by Government ?

The Honourable Sir COWASJI JEHangIR : Yes.

Mr. L. M. DESHPANDE : The condition laid down in Volume XX is " No complaint shall be made if there is any insufficiency of water in the canals." Government say that they have given their sanction. Section 31 of the Irrigation Act says that such claims shall be allowed. Contrary to that provision Government have sanctioned that this condition should be inserted in the printed application ?

The Honourable Sir COWASJI JEHangIR : I am not in a position to give a definite reply just now. We have noticed this point and we are looking into it.

## REGISTRATION BY PHOTO-COPY

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(a) the names of the places where the photo-copying process is in use ;

(b) the number of documents photo-copied from every place, every year, up to the end of 1926 ;

(c) when was the experiment of film-copying process first made ?

The Honourable Mr. G. B. PRADHAN : (a) and (b)

Name of office	No. of documents photographed in					
	1921	1922	1923	1924	1925	1926
Bombay .. ..	..	..	1,653	4,391	4,765	4,301
Bandra .. ..	..	..	28	1,293	1,201	1,269
Ahmednagar .. ..	..	..	..	1,564	979	1,159
Satara .. ..	..	..	..	2,626	218	1,544
Walwa .. ..	..	..	..	1,464	1,382	1,450
Karad .. ..	..	..	..	1,955	1,629	1,803
Havell I & II .. ..	2,716	3,562	2,912	3,655	3,197	2,869
Havell III .. ..	..	369	1,899	847	1,097	1,273
Ambegaon .. ..	..	..	749	884	824	916
Bhimthadi .. ..	..	..	..	1,523	1,384	1,335
Indapur .. ..	..	..	..	70	240	542
Dhond .. ..	..	..	..	43	126	208
Junnar .. ..	..	..	..	125	407	1,071
Mawal .. ..	314	984	1,043	1,050	980	945
Sholapur .. ..	..	2,639	2,511	3,090	2,721	2,725
Ahmedabad .. ..	441	..	..	..	6,347	6,260

(c) In February 1927.

## ENTERTAINMENT TAX : RACE COURSES

Mr. L. M. DESHPANDE (Satara District): Will Government be pleased to state—

(a) (i) the names of the companies, firms or individuals who hold licenses under the Bombay Race Course Licensing Act, 1912, and

(ii) the names of places where the races are held ;

(b) the total income derived by these license holders from every course in the two preceding years ;

(c) the amount of entertainment tax paid by each of them for every race course during the two preceding years ;

(d) the amount of totalisator tax paid by each of them for every race course during the preceding two years ;

(e) the amount of entertainment tax paid by such of them as were in existence for every race course in the second year of the imposition of the entertainment tax ?

The Honourable Sir CHUNILAL MEHTA : (a) (i) The following bodies at present hold licenses under the Bombay Race Courses Licensing Act, 1912 :—

- (1) The Western India Turf Club. Limited,
- (2) The Hyderabad Gymkhana Race Committee.
- (3) The Karachi Race and Riding Club, Limited,
- (4) The Kirkee Gymkhana Club.

(ii) The races are held in the Cantonment of Poona and at Mahaluxmi (Bombay), and in the Cantonments of Hyderabad. Karachi and Kirkee.

(b) Government have no information.

(c), (d) and (e) Information is being called for. The totalizator tax is paid only in respect of races held in Bombay and Cantonment of Poona.

#### SPEECH OF MR. GULAM SHAMATKHAN

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether their attention has been drawn to the speech of one Mr. Gulam (Gulab ?) Shamatkhan, a Government servant, the purport of which speech was published in the *Baramati Samachar* of the 15th July 1927 ;

(b) whether they intend to take any action in the matter ?

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) The subordinate has already been transferred from Baramati.

Mr. W. S. MUKADAM : Will Government be pleased to place on the Council table the nature of his speech ?

The Honourable Sir COWASJI JEHangIR : The speech has been reported in the *Baramati Samachar* of 15th July 1927.

Mr. W. S. MUKADAM : Will Government be pleased to place on the Council table the report they have received on the enquiry made on the *Baramati Samachar's* report ?

The Honourable Sir COWASJI JEHangIR : Honourable members have so often been told that the reports from their officers to Government are not to be placed on the Council table, as they are treated as confidential. That is the reply given by you, Sir, to some honourable member.

Mr. W. S. MUKADAM : Will Government be pleased to place a cutting of that report in the *Baramati Samachar* on the Council table ?

The Honourable Sir COWASJI JEHangIR : The honourable member can get a copy of the newspaper which is public property just as Government can.

Mr. W. S. MUKADAM : I want to know whether Government will place it or not on the Council table, irrespective of the fact whether we can get a copy in the bazaar or not.

The Honourable the PRESIDENT : The Honourable the General Member doubts the reasonableness of the question and says that a copy of the paper can be had anywhere.

The Honourable Sir COWASJI JEHAᅀGIR : It is not usual to place on the Council table papers which are available to honourable members by other means. You place on Council table papers for the information of honourable members which they cannot get in any other way. It is quite open to the honourable member opposite to get a copy of the paper and read it.

Mr. JAIRAMDAS DOULATRAM : The right of asking the Government to place a certain document on the Council table is intended to draw the attention of the House and Government to it. In this case the attention of Government has been drawn to it. It is to draw the attention of the House that Government are now asked to place a copy of it on the Council table.

Sardar G. N. MUJUMDAR : May I know the subject-matter of the speech referred to in the question ?

The Honourable the PRESIDENT : The Honourable the General Member has referred honourable members to the paper itself.

Mr. P. R. CHIKODI : If the paper is not before the House how are we to know ?

An Honourable MEMBER : I think he raised communal hatred in that speech.

The Honourable Sir COWASJI JEHAᅀGIR : I think he did.

Mr. P. R. CHIKODI : Is transfer a sufficient punishment ?

The Honourable Sir COWASJI JEHAᅀGIR : I understand that the officer in question has apologised to certain parties concerned.

Mr. W. S. MUKADAM : It is not given in the answer.

The Honourable Sir COWASJI JEHAᅀGIR : I am given to understand that he has tendered an apology.

Mr. W. S. MUKADAM : Can we add it to the reply ?

#### FISHERIES : IMPROVEMENT

Mr. B. V. JADHAV (Satara District) : Will Government be pleased to state what amounts were budgetted and expended on the improvement of Fisheries during the years 1923-24, 1924-25, 1925-26 and 1926-27 ?

The Honourable Mr. G. B. PRADHAN : Nil, as the Department of Fisheries has been in suspense since 1922.

#### SANAD TO MR. P. D. SHAMDASANI OF HYDERABAD

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state

(a) whether it is a fact that the sanad issued to Mr. P. D. Shamdasani of Hyderabad, Sind, soon after the first city survey of the town in respect of a certain plot of ground held by him stated that the ground described therein was thereby declared to be " private property " and that it would therefore be continued by the British Government without any objection or question as to title to him or to whomsoever should from time to time be its lawful holders ;

(b) whether it is a fact that later on Government issued fresh orders relating to the grant of sanads and Government Resolution No. 10347, dated 26th October 1909 directed that the sanads should only recite and set out the nature of each tenure and "should in no way alter the tenure ; "

(c) whether it is a fact that in Government Resolution No. 9656 (Revenue Department), dated 9th October 1916 Government adhered to the orders contained in the above Resolution ;

(d) whether it is a fact that on 16th May 1927 a new sanad was issued to Mr. Shamdasani for the same plot of ground but his right of " private property " declared in the original sanad was altered into a right of mere " occupancy ; "

(e) whether it is a fact that section 37 of the Bombay Land Revenue Code recognizes the right of private property in land ;

(f) the legal sanction for the conversion of Mr. Shamdasani's right of private property over the above-mentioned plot into a right of occupancy ;

(g) whether it is a fact that all other sanads recently issued to holders of land in the town of Hyderabad contain a similar alteration of tenure ;

(h) what objection, if any, they have to issuing orders that in granting new sanads no alteration in the nature of the tenure as contained in the old sanad should be made ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) Yes.

(d) Yes.

(e) Yes.

(f) The words " or to the like effect " occurring in section 133, Land Revenue Code, which are intended to provide for cases where the terms of schedule H to the Code are not strictly applicable to the tenures of the holders, were apparently lost sight of, and as the resurvey was ordered under sections 106 and 131, the sanad granted to property holders followed the exact wording of form H.

(g) Yes.

(h) None. In fact Government have issued orders directing the grant in such cases of fresh sanads confirming property-holders in their original rights according to the terms of their old sanads.

#### PUBLIC PROSECUTOR, SIND : APPEARANCE FOR ACCUSED PERSONS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased :—

\* \* \* \* \*

(e) to state whether it is a fact that in what is known as the Mehar Rape case the Sessions Judge, Larkana, had ordered further inquiry but the accused having applied in revision to the High Court against that order, the Public Prosecutor appeared for the Crown and successfully supported the order for further inquiry, that thereafter while on leave he took up an engagement on behalf of the accused, appeared

before the District Magistrate of Larkana and having secured his sanction for withdrawal of the case he applied to the Sessions Judge, Larkana, for his consent to the withdrawal, that when the Sessions Judge refused to give consent, he personally filed a revision application before the High Court against this last order of the Sessions Judge and that after this application was dismissed by the High Court he appeared in the Sessions Court, Larkana, to defend the accused ?

The Honourable Mr. J. E. B. HOTSON : (e) This question was answered at the July-August session and the reply given was " Government have no information." Government have since obtained the information. The facts are as stated in the honourable member's question. The Public Prosecutor had, however, obtained permission to appear on behalf of the accused. Also when Mr. Elphinston appeared for the accused in the Sessions Judge's Court and in the court of the Judicial Commissioner of Sind to support the application for withdrawal of the case against the accused under section 494 of the Criminal Procedure Code, he did not appear against Government, for the District Magistrate and the Police were agreed that the case had collapsed and should not proceed.

#### MISCONDUCT OF A TEACHER OF A SCHOOL AT SHAHPUR-CHAKAR IN NAWABSHAH DISTRICT

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that the "Hindus" of Hyderabad (Sind), dated 22nd June 1927, published a correspondent's letter criticising the action of the School Board of Nawabshah District in regard to certain allegations made against a teacher in a school at Shahpur Chakar, a village in the district ;

(b) whether it is a fact that the allegations made affected his moral character and that many inhabitants of the village had gathered at the spot where the teacher was caught misbehaving ;

(c) whether it is a fact that the School Board instituted inquiries into to the teacher's conduct and numerous witnesses, Hindu and Muslim, confirmed the truth of the allegations made against the teacher ;

(d) whether it is a fact that the teacher has not been dismissed but has been pardoned ;

(e) the cases, if any, in which Government have allowed teachers proved to be guilty of immoral conduct to remain in charge of students ;

(f) whether it is a fact that allegations have been made that the teacher sent messages and presents to his paramour through young boys of the school ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) It is true that the allegations were made in the letter referred to.

(c) The answer to the first part is in the affirmative. As regards the latter part the result of the inquiry failed to prove the truth of any of the allegations made against the master.

(d) In view of the reply to (c) above, the question of dismissing the master did not arise. However, in the interests of the administration the teacher was transferred to another school as the enquiries showed that the trouble was due to the fact that the Head Master was not on good terms with the assistant master in question.

(e) There have been no cases in which teachers proved to be guilty of immoral conduct have been allowed to remain in charge of students.

(f) Yes, but they have not been found to be true (*vide* reply to (c) above).

#### CIVIL AVIATION

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR (Southern Division): In view of the rapid strides of progress which commercial aviation has made in Western countries ensuring expeditious conveyance of men and material from one place to another, will Government be pleased to state—

(a) whether they have considered in conjunction with the Government of India the possibility of introducing and encouraging aviation as a measure of commercial utility for the Presidency ;

(b) if so, whether they will be pleased to place on the Council table the correspondence which has passed between the Government of Bombay and the Central Government ;

(c) whether it is proposed to institute measures for the training of the youth of the presidency as pilots and mechanics ?

The Honourable Mr. J. L. RIEU : (a) No.

(b) Does not arise.

(c) There is no such proposal under the consideration of Government at present.

Mr. JAIRAMDAS DOULATRAM : Are Government aware that at a recent meeting in Simla which dealt with the question of aviation a suggestion was made that a route from Karachi *via* Badin and Nagar might be investigated ? Have the Government of Bombay been consulted about it ?

The Honourable Mr. J. L. RIEU : So far as I am aware no such suggestion has been communicated to this Government.

#### COUNTRY LIQUOR : UPSET PRICES

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) what is the cost price, per gallon, of country liquor in Bombay ;

(b) what was the upset price, per gallon, in excise auction sales of Bombay for country liquor shops for the years 1925-26, 1926-27 and 1927-28 ;

(c) what were the prices realized, per gallon, at Bombay at these auction sales of country liquor shops for the years mentioned above ;

(d) what was the selling price, per gallon, of country liquor in Bombay by licensees for these years ;

(e) what is the cost price, per gallon, of country liquor for the districts of Dharwar, Karwar, Belgaum, Bijapur, Sholapur, Poona, Thana and Nasik for these years ;

(f) what was the upset price, per gallon, in excise auction sales of the districts mentioned above for country liquor shops for these years ;

(g) what were the prices realized, per gallon at these auctions in the districts mentioned above for these years ;

(h) what was the selling price, per gallon, of country liquor in the districts mentioned above for these years ;

(i) whether it is a fact that the upset price fixed for Bombay was lower than that of the districts of the mofussil mentioned above for these years ;

(j) if so, why the price fixed in Bombay was lower for these years ;

(k) whether the drinkers of country liquor in Bombay got the benefit of it, and whether they got the liquor cheaper thereby ;

(l) whether the fixing of lower upset prices in Bombay brought in less revenue to Government and consequent more gains to licensees ;

(m) whether there are any rules laid down, or principle followed for the fixing of upset prices ?

The Honourable Mr. G. B. PRADHAN : (a) and (e) Statement showing the cost price of country liquor charged to the licensees is placed on the Council table.

(b) and (f) Upset prices are fixed solely for the Collector's guidance at the auction, and are liable to variation, being either raised or lowered according to facts which come to his knowledge during the auction. The incidence varies not only from district to district but from shop to shop. Government are accordingly not prepared to furnish this information.

(c) and (g) The prices realized for shops vary. The average prices realized are shown in statement B which is placed on the Council table.

(d) and (h) The honourable member is referred to the reply given by Government to clauses (c) and (d) of a similar question asked by him which is published at page 1007 of Part XII of Volume XX of the Bombay Legislative Council Debates.



(i) In some cases the upset price fixed for Bombay was lower than that in the mofussil and in some cases it was higher.

(j) Where the upset prices are lower they are due to the necessity of keeping down selling prices to meet the competition of cheap foreign liquor and also to the fact that overhead charges such as rents, servants' wages, etc., are high.

(k) There is no question of the consumers of country liquor benefiting by lower upset prices as these are counterbalanced by higher overhead charges. But so far as it can be ascertained, it appears that country liquor is sold cheaper in Bombay than in some places in the mofussil, on account of the competition of cheap foreign liquor.

(l) No.

(m) No rules have been laid down for fixing upset prices. The prices are fixed by the Collector after taking into account various factors such as (1) the price at which the licensee is likely to sell liquor, (2) the price fetched by the shop in previous years, (3) the ration fixed for the shop, (4) overhead charges, (5) facilities for illicit practices in the neighbourhood, etc.

“ A ”

*Statement showing the cost price of country liquor per proof gallon paid by the licensees in Bombay and some other districts for the years 1925-26, 1926-27 and 1927-28*

Year	Town and Island of Bombay	Dharwar	Karwar		Belgaum
			Mboveghat	Belowghat	
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1925-26 ..	2 8 0	1 12 0	1 12 0	1 5 0	1 12 0
1926-27 ..	2 8 0	1 12 0	1 12 0	1 5 0	1 12 0
1927-28 ..	2 8 0	1 12 0	1 12 0	1 5 0	1 12 0

Year	Bijapur	Sholapur	Poona	Thana	Nasik	Remarks
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
1925-26 ..	1 12 0	1 12 0	1 13 4	1 15 9* to 2 0 0	1 13 0	*Rs. 2 was the cost price of 1 l q u o r issued from the Kalyan Warehouse. Elsewhere the cost price in Thana District was
1926-27 ..	1 12 0	1 12 0	1 13 4	Do.	1 13 0	
1927-28 ..	1 12 0	1 12 0	1 13 4	Do.	1 13 0	

" B "

*Statement showing the (average) prices per proof gallon realized at the auction sales in Bombay and some other districts for the years 1925-26, 1926-27 and 1927-28*

Year	Town and Island of Bombay	Dharwar	Karwar		Belgaum
			Aboveghat	Belowghat	
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1925-26 .. ..	4 9 8	6 0 0	3 7 0	3 7 0	6 10 0
1926-27 .. ..	4 14 10	7 0 0	4 13 0	4 13 0	5 0 0
1927-28 .. ..	5 1 0	5 1 0	4 11 0	4 11 0	6 0 0

Year	Bijapur	Sholapur	Poona	Thana	Nasik	Remarks
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
1925-26 .. ..	8 0 0	11 0 0	5 0	4 6 4	8 8 0	
1926-27 .. ..	5 12 0	8 6 0	5 7 0	2 14 8	9 4 0	
1927-28 .. ..	4 2 0	10 5 0	5 14 0	5 8 10	10 5 0	

#### FOREST RANGERS : PROMOTIONS TO VACANCIES IN PROVINCIAL SERVICE

Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state—

(a) whether there is a single gradation list of forest rangers for the whole Presidency including Sind ;

(b) whether it is the policy of Government to make the selection for appointment to the Provincial Service strictly according to seniority combined with merit ;

(c) whether vacancies occurring in the Provincial Service are distributed equally among the four circles without any reference to seniority and merit ;

(d) if the answer to (b) is in the affirmative, the reasons why the sixteen rangers, serial Nos. 4 to 7 and 9 to 11 in the first grade and 1 to 9 in the second grade, have been passed over for promotion to the Provincial Service ;

(e) how they propose to remedy the injustice to senior and fitter rangers in other circles, the list of gradation being on ;

(f) whether they have any direct control over the maintenance and scrutinization of the service record of rangers becoming eligible from time to time for promotion to higher service ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) Yes.

(c) No.

(d) In making promotions merit as well as seniority is taken into account.

(e) There has been no injustice. If any instances of injustice are brought to the notice of Government they will be ready to remove the injustice.

(f) The service records of Rangers are maintained by the Chief Conservator of Forests, but before making their final selection Government are at liberty, if they so desire, to scrutinize these records.

Mr. V. N. JOG : The answer to (d) does not seem to be a proper one. The answer to (b) is in the affirmative. The answer to (d) is : "In making promotions merit as well as seniority is taken into consideration."

The Honourable Mr. G. B. PRADHAN : Probably because they were found wanting in merit.

Mr. V. N. JOG : So, they were superseded ?

The Honourable Mr. G. B. PRADHAN : It appears from the answer that probably they were wanting in merit and so they were superseded.

Mr. V. N. JOG : What is the definite reason for superseding them ?

The Honourable Mr. G. B. PRADHAN : If a senior man is found wanting in merit and if the junior man has greater merit than his senior, then the junior man is promoted, superseding the senior man.

Mr. V. N. JOG : Were all the 16 men from Nos. 4 to 7 and 9 to 11, found wanting in merit ?

The Honourable Mr. G. B. PRADHAN : That is how I interpret it.

Mr. J. C. SWAMINARAYAN : Is it owing to favouritism or merit that seniors are passed over and juniors are promoted ?

The Honourable Mr. G. B. PRADHAN : The question of favouritism does not come into play.

#### REGISTRATION : COPYING CHARGES

Mr. S. C. JOSHI : Will Government be pleased to state whether—

(a) it is a fact that Article 10 (1) of the Registration Manual prescribes a rate of annas two per folio for copying charges and not annas four as stated by the Honourable Member the Inspector General of Registration during the debate on the Registration Bill in August 1927 ;

(b) this rate has subsequently been changed by any order ?

The Honourable Mr. G. B. PRADHAN : (a) The fee for copying documents in the register books is annas two for each folio of 100 words.

(b) No.

#### WATER RATE, DAHIWADI AND PINGALI KHURD VILLAGES

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state—

(a) whether applications have been received by the Collector and Executive Engineer, Satara, and the Commissioner, Central Division, from the villagers of Dahiwadi and Pingali Khurd in Man taluka of Satara district, complaining of excess rates levied for water taken for irrigating their lands from the Dahiwadi and Gondavale canals under the Pingali tank ;

(b) whether it is a fact that from the time that the Pingali tank was constructed about the year 1880 up to now, the practice was to levy the water rate on the area actually watered after measuring the same ;

(c) whether it is a fact that the old practice is discontinued and a new one introduced by which applicants for water are required to state in their applications the exact areas which they intend to water and that while the full rate on that whole area is collected even though the water actually available was not enough to cover the whole area, double the amount is levied as soon as a slight excess is found in the area actually watered ;

(d) whether, in view of the fact that the new practice presses hard upon the ryots, owing to the difficulty of ignorant agriculturists in being unable to know and state the exact area to be watered in gunthas and fractions of gunthas in their applications, they intend to take any steps to remedy the hardship ?

The Honourable Sir COWASJI JEHangIR : (a) Two petitions were received by the Commissioner, Central Division, in July 1927.

(b) The practice was in force up to the introduction of the Bombay Canal Rules, 1922, in 1924-25.

(c) Action is taken according to Bombay Canal Rules, 1922. In order to prevent the irrigators from applying for much larger areas than what they actually irrigate, the result of which would be that in the forecasts these larger sanctioned areas would be taken into account and other people would be deprived of their legitimate share of water, the irrigators are required to state in their water applications the actual areas they wish to irrigate. Full area applied for is charged provided water was available.

(d) Contiguous areas of equally rated seasonal crops entered in one and the same application are added together and sanctioned in multiples of 20 gunthas and assessed in multiples of 10 gunthas. As a further concession to the irrigators in the Satara Division, excesses up to 5 per cent. in the case of perennial crops and 10 per cent. in the case of other crops are charged at ordinary rates. Government do not consider that any further action is called for in the matter.

Rao Bahadur R. R. KALE : May I ask a supplementary question as to whether this concession to irrigators in the Satara Division up to 5 per cent. was given after the matter was investigated or from the beginning ?

The Honourable Sir COWASJI JEHangIR : So far as I remember, the answer is in the affirmative.

#### FLOODS : DAMAGE AND RELIEF

Mr. V. N. JOG on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) the exact or approximate loss of life and loss of cattle and damage to crops and houses (with the number of collapsed houses) in the Bombay Presidency caused by the floods of July 1927 ;

(b) the measures taken by Government to give relief to flood-stricken people of the Presidency ?

The Honourable Mr. J. L. RIEU : (a) Complete information is not yet available.

(b) The attention of the Honourable Member is invited to the statements in connection with the demands for supplementary grants which have been presented to the Council.

#### EXCISE REVENUE, DHARWAR DISTRICT

Mr. V. N. JOG on behalf of Rao Bahadur S. T. KAMBLI (Dharwar District) : Will Government be pleased to state—

(a) the number of toddy shops in the Dharwar district ;

(b) the number of ganja shops in the said district ;

(c) the number of foreign liquor shops in the said district ,

(d) the total amount of revenue realised by Government from the auction of toddy and liquor shops in the Dharwar district in 1927-28 ?

The Honourable Mr. G. B. PRADHAN : (a) 111.

(b) 54—50 retail and 1 wholesale.

(c) 10—8 “ off ” shops and 2 Railway Refreshment Rooms.

(d) The vend fees realised from the auction of toddy shops and country spirit shops for 1927-28 amounted to Rs. 3,92,590 and Rs. 2,57,836 respectively.

#### KOLEROGA : METHOD OF TREATMENT

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether their attention has been drawn to the statement ‘ a request to Government ’ in a correspondence published in the issue of the ‘ Kanara Leader ’ dated 9th August 1927 on page 11, columns 2 and 3 ;

(b) whether they have considered the desirability of experimenting upon and demonstrating the method of treating the ‘ Koleroga ’ (ಕೊಳರೋಗ) in one or two places in each of the garden tracts in the Kanara district for a number of years to induce and convince the people about the utility of the treatment ?

The Honourable Mr. G. B. PRADHAN : (a) Yes, after notice of this question was given.

(b) Yes, but they have not yet reached any final conclusion.

Mr. M. D. KARKI : May I know how long the experiments will go on ?

The Honourable Mr. G. B. PRADHAN : Experiments are still being carried on ; further experiments are necessary before a final conclusion can be reached.

Mr. M. D. KARKI : May I know where the experiments are going on ?

The Honourable Mr. G. B. PRADHAN : I will require notice of that question.

Mr. M. D. KARKI : In view of the fact that “ Koleroga ” is very detrimental to the crops, does the Honourable Minister propose to expedite the matter ?

The Honourable Mr. G. B. PRADHAN : Certainly ; as a matter of fact experiments are being carried on.

#### CO-OPERATIVE SOCIETIES : ADMINISTRATION REPORT

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether the copies of the annual administration reports on the working of the Co-operative Societies are sent to the Co-operative Institute and its branches and the co-operative urban banks in the Presidency ;

(b) if not, whether they propose to do so ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) Does not arise.

Mr. M. D. KARKI : On whose information is the reply to (a) based ?

The Honourable Mr. G. B. PRADHAN : On the information of the Registrar of Co-operative Societies.

Mr. M. D. KARKI : May I inform the Honourable Minister that I am the Chairman of the Havik Bank and that that bank to my information has not received the report ?

The Honourable Mr. G. B. PRADHAN : I will make enquiries in the matter, but as a rule the reports are sent.

#### CO-OPERATORS' DAY

Mr. M. D. KARKI (Kalaria District) : Will Government be pleased to state—

(a) whether they are aware that a day known as Co-operators' Day is being observed every year in the month of July and that men of all ranks in society and of all shades of opinion in life meet together in every town and many villages of this Presidency on that day on the common platform of co-operation ;

(b) whether they are aware that Government officers and servants take part in the functions for the celebration of that day freely ;

(c) if so, why that day is not declared a public holiday ;

(d) whether they intend to declare that day as a public holiday and order the closing of all the Government offices on that day ?

The Honourable Mr. G. B. PRADHAN : (a) and (b) Government are aware that some form of celebration does take place, though they have no information that it is on so comprehensive a scale as the Honourable Member's question would suggest.

(c) and (d) The question has not been considered by Government as no demand for a public holiday has been received from the public.

Mr. M. D. KARKI : Is not the suggestion of the honourable members of this House a demand from the public ?

The Honourable Mr. G. B. PRADHAN : I cannot accept that as a demand from the general public. If a holiday has to be declared, I think there must be a demand from the general public.

Mr. M. D. KARKI : May I know from whom the Honourable Minister expects the demand ? Do not the members of this House represent the public ?

The Honourable Mr. G. B. PRADHAN : In the first place, Government do not know that the Co-operators' Day is observed on such a comprehensive scale as is stated by the honourable member in part (a) of his question. If Government find that it is observed on such a comprehensive scale, then Government may think of declaring it a holiday.

Mr. M. D. KARKI : Does the Honourable Minister know that the Education Department does allow that day as a holiday ?

The Honourable Mr. G. B. PRADHAN : I will require notice of that question.

#### MOTOR ACCIDENTS IN KANARA

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state

(a) the number of motor accidents in Kanara in each of the years of the last triennial period ;

(b) whether all or any of them were due to rash or negligent driving ;

(c) how many of them were fatal :

(d) whether there was prosecution for all of them ; if so, how many ended in conviction and how many in discharges or acquittals ?

The Honourable Mr. J. E. B. HOTSON : The information is being obtained.

#### DISAFFORESTATION APPLICATIONS

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state

(a) whether it is a fact that the Member of Legislative Council for Kanara had forwarded to the Honourable the Minister of Forests the application of Mr. Narayan Venkatraman Hegade with his remarks on 24th December 1926 regarding the disafforestation of some land in the vicinity of his (Hegade's) cultivation and habitation in the village of Hennur, taluka Honavar ;

(b) whether he (the Member of the Legislative Council) had made a special request to the Honourable the Minister that the enquiries in the matter should be made through the local revenue authorities only and not through the forest authorities ;

(c) through whom the enquiry was made ; if through forest authorities, why ;

(d) whether they would place the whole correspondence on the Council table ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) Yes.

(c) The subject matter of the petition pertained to the Forest Department. The enquiry was therefore made through the local officers of

that Department, and their report was communicated to Government through the Collector of Kanara.

(d) Government do not consider that any useful purpose would be served by placing the correspondence on the Council table.

Mr. M. D. KARKI : May I know whether the Collector of Kanara differed from the report of the Forest Department ?

The Honourable Mr. G. B. PRADHAN : He did not differ from it.

#### TAGAVI FOR FLOOD-STRICKEN PEOPLE, KANARA

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether the Resolution on the subject of granting of tagavi free of interest in the flood-stricken areas which was moved by the Member of the Legislative Council for Kanara in the October session of 1924 and passed by the Council by a majority of votes, was fully given effect to ;

(b) if not, why not ?

The Honourable Sir CHUNILAL MEHTA : The Honourable Member is referred to item No. 29 in the statement placed on the Council Table in reply to the question regarding Bombay Legislative Council—Resolutions adopted, put by Rao Saheb D. P. Desai on behalf of Mr. G. I. Patel at the last sessions of the Legislative Council and printed at page 186 of the Bombay Legislative Council Debates, Volume XX, Part II.

#### SEASON REPORTS

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) what amount has been taken by them as the normal price of rice, jowari and bajri for the purpose of their season reports :

(b) whether this normal price has been fixed for all times or whether it is liable to be changed according to the times ;

(c) whether the normal price fixed for rice, jowari and bajri is uniform throughout the Presidency or varies in the different districts of the Presidency ;

(d) if so, what is the normal price of rice (both of white and boiled quality) in the four districts of the Bombay Karnatak and of jowari and bajri in the three districts of Dharwar, Bijapur and Belgaum ?

The Honourable Mr. J. L. RIEU : (a) and (b) In fixing the normal prices the average of the five years preceding the war (1909-14), excluding the abnormal year 1912-13, is taken at present. Government however are considering whether a new scale should not be adopted.

(c) It varies in the different districts of the Presidency.

(d) The accompanying statement furnishes the information required by the Honourable Member. Separate figures for white and boiled rice are not available.



## Statement referred to in clause (d)

			January	February	March	April	May	June
			S. ch.	S. ch.	S. ch.	S. ch.	S. ch.	S. ch.
<i>Belgaum.</i>								
Jowari	..	..	13 0	12 13	12 13	12 13	12 14	13 0
Bajri	..	..	13 6	12 14	12 13	13 0	12 11	12 5
Rice	..	..	8 14	8 13	8 7	8 1	8 0	8 0
<i>Bijapur.</i>								
Jowari	..	..	15 3	15 4	14 8	14 5	14 7	14 3
Bajri	..	..	15 1	15 6	14 7	14 15	14 12	14 14
Rice	..	..	8 0	8 1	8 0	8 14	8 13	7 11
<i>Dharwar.</i>								
Jowari	..	..	14 8	14 1	13 9	13 0	13 4	13 5
Rice	..	..	8 14	8 12	8 10	8 4	8 1	8 1
<i>Kanara (Karwar).</i>								
Rice	..	..	8 8	8 11	8 11	8 6	8 4	7 15

			July	August	September	October	November	December
			S. ch.	S. ch.	S. ch.	S. ch.	S. ch.	S. ch.
<i>Belgaum.</i>								
Jowari	.		13 7	13 11	13 3	13 8	12 9	12 15
Bajri	..	..	12 10	12 9	12 6	12 5	12 11	13 0
Rice	..	..	8 0	8 9	8 7	8 6	8 0	8 11
<i>Bijapur.</i>								
Jowari	..		14 0	14 14	15 6	15 2	15 0	15 1
Bajri			14 7	16 2	16 4	17 0	15 4	16 10
Rice	..	..	7 12	8 0	8 4	8 2	8 2	8 3
<i>Dharwar.</i>								
Jowari	..	..	14 15	13 0	12 13	13 6	12 14	13 9
Rice	..	..	8 2	8 9	8 5	8 0	7 15	8 4
<i>Kanara (Karwar).</i>								
Rice	..	..	7 14	7 15	8 2	8 2	8 8	8 8

## FOREST ADVISORY COMMITTEES

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state—

(a) whether the Chief Conservator of Forests has submitted his report after consulting the Commissioners of Divisions to them on the subject of establishment and constitution of forest advisory committees the formation of which was sanctioned by them in their Revenue Department Resolution No. 7324/24, dated 15th July 1927 ;

(b) if so, the names of the districts where the advisory committees have been proposed to be established and their constitution and when the committees will start working ;

(c) if the reply to (a) is in the negative, the reasons why the report is delayed by the Chief Conservator of Forests and when he is likely to submit it ?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) Does not arise.

(c) The submission of the report must necessarily take some time, as the scheme has to be framed in consultation with the Divisional Commissioners.

#### BETTAS : PROPRIETARY RIGHTS

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state—

(a) whether they have called for the opinion of the Commissioner, Southern Division, on the unanimous recommendation of the Forest Grievances Enquiry Committee of 1925 that the proprietary rights over bettas should be given to the gardeners ;

(b) if so, when and what has been the opinion of the Commissioner on the subject ; and when they intend to give those rights to the gardeners ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) On 30th July 1927. The Commissioner's report has not been received. The question of the grant of proprietary rights over bettas to gardeners will be considered on receipt of the report.

#### PROHIBITION POLICY

Mr. M. D. KARKI (Kanara District) : Will the Honourable Minister of Excise and Forests be pleased to state—

(a) whether he intends to introduce the policy of prohibition as an experimental measure in any of the districts of the Presidency ;

(b) if so, when he proposes to introduce it and in what district it will be introduced for the first time ;

(c) whether he is aware that Kanara is a district where it can be successfully introduced without much loss to Government ?

The Honourable Mr. G. B. PRADHAN : The Honourable Member is referred to the reply to the question asked by Rao Bahadur R. R. Kale on 13th October 1927.

#### DRINKING WATER. SHOLAPUR

Mr. N. G. MAJMUJAR (Sholapur District) : Will Government be pleased to state—

(a) which of the villages in the district of Sholapur had no supply of drinking water during the month of May 1927 ;

(b) the distance from which the people in each of the villages in the district of Sholapur referred to in (a) had to fetch water for drinking purposes ;

(c) the number of people that left each of the villages in the district of Sholapur referred to in (a) due to water famine ;

(d) what action they propose to take for improving the supply of drinking water in the villages of Sholapur District which at present experience water famine during summer ?

The Honourable Mr. J. L. RIEU : (a), (b) and (c) The collection of the detailed information asked for in these clauses would entail an expenditure of time and trouble out of all proportion to its possible utility. There was scarcity of drinking water supply in several villages of the Karmala and Malsiras talukas, and the people had in some cases to fetch water from a distance. No instance has so far come to notice where the people had to leave their villages owing to water famine.

(d) The provision of an adequate supply of drinking water is a function of the District Local Boards, which are liberally subsidized by Government for the purpose.

Mr. N. G. MAJMUDAR : Will the Honourable Member be pleased to state the number of villages in the Karmala and Malsiras talukas where there was scarcity of drinking water supply ?

The Honourable Mr. J. L. RIEU : That is already replied to in the printed answer.

Mr. N. G. MAJMUDAR : It is not.

The Honourable Mr. J. L. RIEU : It is not possible to state the names of the villages ; that would require a detailed list involving a very comprehensive enquiry.

Mr. N. G. MAJMUDAR : (Inaudible).

The Honourable Mr. J. L. RIEU : Even that would involve a considerable amount of labour and it is not apparent what benefit would result from the information if it were obtained.

#### FLOODS, THAR PARKAR DISTRICT : DAMAGE

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether they are aware of the heavy rainfall in Mirpurkhas, Jamesabad and Digri talukas in the Thar and Parkar District, Sind, and the subsequent flood caused by the overflow of "Doro Puran" and breaches in canals between 22nd and 30th July last ;

(b) whether it is a fact that heavy damage was caused to the kharif crops ;

(c) what is the total number of houses destroyed in the villages of Jamesabad and Digri talukas ;

(d) what is the total value of the house and other property destroyed ;

(e) whether it is a fact that about 50 per cent. of the cattle have been destroyed in these villages ;

(f) if the replies to (a), (b) and (e) are in the affirmative, what steps Government have taken or propose to take to relieve the distress ?

The Honourable Mr. J. L. RIEU : (a) and (b) Yes.

(c) and (d) Full information is not yet available, but the total losses in houses and moveable property in these two talukas are roughly estimated to amount to Rs. 9½ lakhs.

(e) No. It is estimated that Jamesabad taluka has lost 9 per cent. of its plough cattle and Digri 25 per cent.

(f) Government are prepared to grant loans for the rebuilding of houses, the terms of which have been announced. Free gifts of money for rebuilding kacha huts have already been made through the local officials. Takavi has been and is being advanced for the replacement of cattle required for cultivation.

#### URDU SECONDARY SCHOOLS, SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the number of boys desirous of prosecuting their studies with Urdu as their vernacular after passing the fourth standard vernacular from municipal as well as other primary schools in Karachi, and who are refused admission in the secondary schools there;

(b) whether they are aware that about 200 boys learning Urdu from various local primary schools are expected to appear for the 4th standard examination to be held under the supervision of the school board, Karachi, and that the seats available in the Sind Madressah secondary school are less than this number;

(c) whether they are aware that this was brought to the notice of the Honourable Minister for Education during his last visit to Karachi, by a deputation of leading citizens and that the Honourable Minister had promised to look into the desirability of making necessary arrangements in the local N. J. High School for Urdu 1st standard English in addition to similar Gujarati, Marathi and Sindhi standards;

(d) if so, what steps have been taken to redress that grievance? if no steps have been taken the reason therefor;

(e) whether they have formulated any scheme to meet the desire of an increasing number of students to take Urdu as their second language;

(f) if so, what the scheme is;

(g) whether they are aware that several representations from Karachi have been made for the grant of permission to take up Urdu language in the secondary scholarship examination as is done in Bombay Presidency in the case of Mussalman candidates;

(h) the reason why they have not removed the condition in the secondary scholarship examination rules forbidding the taking up of Urdu language in the secondary scholarship examination in Sind;

(i) what steps they intend to take in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) Forty-four Hindu and 131 Muhammadan boys passed the Vernacular Standard IV (Urdu) last March. Seventeen Hindu and 138 Muhammadan boys with Urdu as their vernacular applied for admission to Standard I (English) in the various local schools where Urdu is taught. All these boys were admitted.

(c) There is nothing on the record to show whether the grievance referred to in part (b) was specifically brought to the notice of the late Honourable the Minister of Education.

(d) In view of the special facilities for the advancement of their secondary education by way of a special grant to the Sind Madressah and particularly in view of the prevailing financial stringency no steps have been taken.

(e) No.

(f) Does not arise.

(g) A representation was received from the Karachi Municipality requesting that Urdu and Marathi may be allowed as media of the High and Middle School Scholarships Examinations.

(h) At present only Sindhi and Gujarati speaking boys are allowed to compete for the scholarships. This concession was not, however, extended to the Urdu and Marathi speaking boys as their number was not considered to be large enough to justify it.

(i) The question is under consideration.

#### ACQUISITION ACT : LLOYD BARRAGE

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) whether it is a fact that certain owners of lands in the tracts affected by the Lloyd Barrage, whose holdings have been acquired for purposes of the Barrage under the Land Acquisition Act, have applied for grants of land in preference to monetary compensations in return for their lands that have come under acquisition ;

(b) if so, whether it is a fact that such applications for the grants of land in exchange for land acquired have invariably been rejected ;

(c) whether it is a fact that they have issued orders totally prohibiting the grant of land as compensation in exchange for lands acquired ; if so, for what reasons and on what authority ;

(d) whether they are aware that such orders have resulted in inflicting grave hardship and heavy loss on several of the parties affected by them ;

(e) whether they propose to consider the advisability of an immediate modification of their orders so as to permit of land exchanges in suitable cases where equity demands such a course ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No.

(c) No.

(d) and (e) Do not arise.

#### FLOODS, SIND AND GUJARAT

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) whether their attention has been drawn to the havoc caused by the recent floods in Sind and Gujarat ;

(b) what action has been taken by them in (i) Sind, (ii) Gujarat ;

(c) whether it is a fact that the distress in Sind is the same as in Gujarat ;

(d) whether it is a fact that Gujarat is relieved of the distress by the activities of the public combined with that of Government ;

(e) whether it is a fact that very little has been done in Sind in comparison to what has been done in Gujarat on account of the weakness of public opinion ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) The Honourable Member is referred to the statement of supplementary demands presented to the Council in the course of this session.

(c) Yes.

(d) Yes.

(e) No ; if the people of Sind have not given the same expression to their feelings over the calamity that has befallen them as the people of Gujarat have, it does not follow that Government have been less solicitous of the interests of Sind than they have been of those of Gujarat.

#### FLOODS : TAKAVI AND OTHER HELP BY GOVERNMENT

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the total population in each of the talukas of Sind affected by the recent floods of (i) Mussalmans, (ii) Non-Mussalmans ;

(b) the total number of Zamindars and others who received Takavi and other help in each taluka (i) Mussalmans, (ii) Non-Mussalmans ;

(c) whether it is a fact that the Sind Government has issued orders to stop giving Takavi to distressed zamindars and others ;

(d) if the reply to (c) be in affirmative the reasons for such orders ?

The Honourable Mr. J. L. RIEU : (a) and (b) The information will be called for.

(c) No.

(d) Does not arise.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Government have said that orders have not been issued to stop tagavi. Is it a fact that out of the tagavi given, 7 per cent., is deducted by the mukhtiarkars and tapedars and 10 per cent. have to be given to the Blind Relief Fund ?

The Honourable Mr. J. L. RIEU : No.

#### KARACHI MUNICIPALITY

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state

(a) whether they are aware that the President of the Karachi Municipality has been intentionally delaying the consideration of the proposed new Act ;

(b) whether they are aware that though the population of Hindus and Muhammadans is equal, yet the number of Muhammadan representatives is 3 less and that the Hindu majority is further increased by the election of Hindu members from the Chambers of Indian Merchants, etc. ;

(c) if so, whether they propose to take any steps in the matter ;

(d) whether they are aware that the proposed legislation of amending the Karachi Municipal Act has been delayed too long ?

The Honourable Sir GHULAM HUSSAIN : (a) The allegation made is incorrect. The Bill was placed on the agenda of the Municipality several times but the members themselves showed a disinclination to proceed with its consideration as some of them were unable to obtain copies of the Bill from their predecessors in office.

(b) Yes.

(c) The question of redistributing the seats among the various communities of Karachi will be considered after the views of the Municipality are received on the Bill.

(d) Greater expedition might possibly have been advantageous.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Who has stated that the members did not receive copies of the bill from their predecessors ; the members or the President ?

The Honourable Sir GHULAM HUSSAIN (In Urdu) : This is what the President has stated.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : Has the President given the names of the members who have so stated ?

The Honourable Sir GHULAM HUSSAIN (In Urdu) : No.

Mr. L. M. DESHPANDE : Sir, cannot the answers be given in English ?

#### FLOODS, GUJARAT : SUPPLY OF CORRUGATED SHEETS

Mr. W. S. MUKADAM (Panch Mahals District) : Will Government be pleased to state—

(a) if in the matter of gratuitous providing of corrugated iron sheets for roofing of huts of very poor people in the flood affected districts of Kaira and Ahmedabad to the extent of Rs. one lac in each district any non-official relief workers or non-official opinion were consulted with a view to the proper selection of deserving persons ? If not, why not ;

(b) whether the selection of deserving persons was left merely to the village officers—Talati and Mookhi or to any superior officers ;

(c) whether non-official opinion was consulted even with regard to the stoppage of overlapping official and non-official charity in the matter of free distribution of sheets ? If so, who were the non officials consulted in each of the various talukas of the two districts concerned ;

(d) the number of families relieved in *each* taluka of the two districts classifying them by their caste, and the number of sheets given collectively to families of each caste, giving at the same time the size of sheets distributed if possible ;

(e) whether they are aware that there has been great dissatisfaction at the quite inadequate way in which the corrugated iron sheets were distributed in the Thasra Taluka of Kaira, i. e., by giving only 4 to 8 sheets per hut instead of 10 as ordered by Government, this being the minimum number required for a hut of the smallest size ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) No ; non-official agency has also been consulted.

(c) Government do not believe that there has been any overlapping, inasmuch as there has been only one agency for the supply of the sheets,

(d) Government are not in possession of this detailed information at the moment, nor is it likely that it will be possible to compile it later without an altogether excessive expenditure of time and labour.

(e) Government are aware that it was not possible at the outset to supply the full number of sheets to every person who required them, but steps are being taken to make up the deficiency wherever it exists.

#### NUMBER OF CATTLE AND GRAZING AREAS IN SURAT DISTRICT

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state--

(a) the number of cattle in each village of the Surat District and the grazing area assigned for them in each village ;

(b) whether they are aware that the grazing area assigned is insufficient in proportion to the number of cattle ;

(c) if so, whether they intend to remedy this state of things by assigning additional area ?

The Honourable Mr. J. I. RIFU : (a) Statements\* furnishing the required information are placed on the Council table.

(b) No complaint has been received from any village regarding the inadequacy of the grazing area. In addition to the area assigned for free pasturage Government waste land in those villages in which it is available is yearly leased out to the villagers at the rate of 2 annas per acre or auctioned according to the orders in force in each case. Besides every khatedar keeps land uncultivated for the purpose of grazing his agricultural stock according to his own requirements. Moreover, no general standard of area for free pasturage per head of cattle can be fixed, as the productivity of grazing lands varies and the proportion of the cattle maintained in a village which is actually essential for cultivation is also a varying factor.

(c) It is not possible to provide any considerable additional area of free grazing land without resorting to the compulsory acquisition of occupied land and so inflicting hardship on the occupants concerned.

#### INDIAN MANGOES

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state--

(a) whether they have made any inquiries as regards profitable foreign markets for Indian mangoes ;

(b) whether any mangoes are exported from Bombay to places outside India for trade purposes or otherwise ;

(c) if so, to what places and by what means ;

(d) in the case of steamers, the freight which steamer companies charge on such export ?

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\* Kept in the Secretary's Office.



The Honourable Mr. G. B. PRADHAN : (a) No.

(b) Yes.

(c) By steamer to Aden for trade purposes and occasionally to Egypt, Italy and England.

(d) Steamer companies charge Rs. 5 per dozen for Egyptian and European ports.

Mr. B. R. NANAL : With reference to (a), will the Honourable Minister state why no enquiries have been made ?

The Honourable Mr. G. B. PRADHAN : A committee has been appointed to make enquiries as regards all these. Part of the report has come.

Mr. B. R. NANAL : Does the Honourable Minister think that the charge of Rs. 5 per dozen is reasonable ?

The Honourable Mr. G. B. PRADHAN : It is not a question of what I consider a reasonable charge. It is a fact that the companies charge that rate.

Mr. B. R. NANAL : Are not Government bound to procure reasonable charges ?

The Honourable Mr. G. B. PRADHAN : I really do not know whether the companies will listen to us. But if notice is given enquiries will be made.

Mr. J. C. SWAMINARAYAN : Has Government no control over these companies ?

The Honourable Mr. G. B. PRADHAN : This Government has got no control whatever.

#### CO-OPERATIVE SOCIETIES : APPOINTMENT OF SECRETARIES

Rao Saheb R. V. VANDEKAR on behalf of Mr. N. E. NAVLE (Ahmednagar District) : Will Government be pleased to state who appoints the secretaries to the various co-operative societies ?

The Honourable Mr. G. B. PRADHAN : The societies appoint their own secretaries, except in areas where group secretaries are appointed, in which case the appointments are made by the Assistant Registrars of Co-operative Societies.

#### HILL ALLOWANCE CODE : RETRENCHMENT

Rao Saheb R. V. VANDEKAR on behalf of Mr. N. E. NAVLE (Ahmednagar District) : Will Government be pleased to state what retrenchment has been effected under the Hill Allowance Code at the instance of the retrenchment officer ?

The Honourable Sir CHUNILAL MEHTA : The question of reducing the rates of house rent and local allowance admissible to clerks accompanying Government to Hill Stations has been under the consideration of Government for some time past and after consultation with the

Retrenchment Officer the rates have been reduced as shown below for the hill season of the calendar year 1927 :—

On salary actually drawn	Rates as in 1926			Present rates		
	House rent for the season	Local allowance per mensem for 8 months		House rent for the season	Local allowance per mensem for 8 months	
		Family man	Single man		Family man	Single man
	Rs.	Rs.	Rs. a. p.	Rs.	Rs.	Rs. a. p.
Less than Rs. 60 ..	210	55	27 8 0	190	50	25 0 0
Rs. 60 but less than Rs. 100	245	63	31 8 0	220	55	27 8 0
Rs. 100 but less than Rs. 150	280	84	42 0 0	250	75	37 8 0
Rs. 150 but less than Rs. 200	350	105	52 8 0	315	95	47 8 0
Rs. 200 but less than Rs. 300	420	133	66 8 0	375	120	60 0 0
Rs. 300 and upwards ..	420	160	80 0 0	375	145	72 8

#### GOVERNMENT SERVANTS : PROVIDENT FUNDS

Mr. H. V. PATASKAR (East Khandesh District): Will Government be pleased to state—

(a) whether the question of introducing a Provident Fund scheme with respect to all subordinate Government servants in lieu of pension is under consideration ;

(b) if so, when the question is likely to be decided ?

The Honourable Sir CHUNILAL MEHTA : (a) Yes.

(b) It cannot be stated when a decision is likely to be reached as very careful investigations will have to be made regarding the financial liability which would be involved by the change if made.

#### FLOOD RELIEF MEASURES

Mr. H. B. SHIVDASANI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state the amount granted by them from the Famine Insurance Fund for each of the following kinds of relief in the current year in Gujarat—

(a) for tagavi with and without interest, respectively ;

(b) for housing and reconstruction ;

(c) for free distribution of grain, food and clothing ;

(d) for other measures of relief ?

The Honourable Mr. J. L. RIEU : (a) to (d) The Honourable Member's attention is invited to the demands for supplementary grants presented to the Council in the course of the present Session.

#### DAMAGE TO CROPS IN CERTAIN AREAS OF THE PRESIDENCY

Mr. H. B. SHIVDASANI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased—

(a) to place on the Council table a statement containing general details of damage done to crops in different areas of this Presidency, particularly in Gujarat and Karnatak during the last season ;

(b) to state whether they intend to adopt a more accurate and scientific method of fixing the annual crop valuation ;

(c) to state whether it is a fact that the Revenue Officers have over-valued the crops for the last season ;

(d) to state separately the damage done to crops on account of insect ravages, frost and unfavourable rains in Gujarat and the Karnatak ;

(e) to state whether they have declared or proposed to declare famine in these areas ?

The Honourable Mr. J. L. RIEU : (a) The attention of the Honourable Member is invited to the Press Note issued by the Director of Information on 17th February 1927.

(b) Government have already published their orders on the subject.

(c) No.

(d) The accompanying statement gives the information required.

(e) No.

#### STATEMENT

##### Gujarat

*Kaira*.—No appreciable damage was done either by insect ravages or by frost. Slight damage was done by unfavourable rains in one village.

*Panch Mahals*.—Maize in Goradu lands in parts of the Dohad Taluka and Zalod Mahal was damaged by caterpillars. Rabi crops in Dohad and Kalol talukas and Halol Mahal were affected by frost, but the damage done was insignificant. Kharif crops suffered slightly owing to heavy rains.

*Broach*.—Slight damage was done by locusts to jowar and cotton in two villages of Broach Taluka and to wheat crop in about 5 acres only in Jambusar Taluka. Til crop in about 10 villages of Jambusar Taluka was damaged by caterpillars and wheat crop in about 40 acres suffered from disease. In Vagra Taluka crops suffered to some extent in the northern Bahara villages from the attacks of diseases. No damage was caused by frost in any of the talukas. Late sown cotton in three villages of Jambusar suffered for want of moisture in the soil. Crops were affected more or less owing to want of rain in 10 villages of Amod. In Vagra the crops generally suffered from the hardening of the surface on the sudden cessation of rain.

*Surat*.—There was no damage owing to insect ravages or frost. Cotton suffered owing to excessive rainfall in some villages of Olpad, Chorasi, Bulsar, Chikhli and Jalalpur talukas.

*Ahmedabad*.—The area damaged by locusts was 166 acres in Sanand, 8,665 in Viramgam, 205 in Dholka and 2,138 in Dhandhuka taluka. The area damaged by other insect ravages was 2,087 acres in Viramgam, 17,219 in Dholka and 25,493 in Dhandhuka taluka. Frost damaged an area of 125 acres in Prantij, 20,696 in Viramgam and 125 in Dholka. The area damaged owing to unfavourable rains ranged from 3,740 to 44,389 acres.

##### Karnatak

*Belgaum*.—Nine villages of Parasgad Taluka (including Murgod Petha) and six of Sampgaon Taluka suffered owing to shortage of rain. Grasshoppers and rice-hoppers caused slight damage in about 25 to 30 villages of Belgaum, Sampgaon and Parasgad talukas. Rabi crops in 45 villages of Athni, 48 of Gokak and 21 of Chikodi talukas were slightly damaged by unfavourable and deficient rainfall. There was no damage from frost.

*Bijapur*.—There was no damage to crops on account of insect pests, fungus diseases or frost. The yield of crop was reduced owing to unfavourable rains.

*Dharwar*.—Owing to unfavourable rains the crops were poor in 74 villages and poor to fair in 61 villages. In the rest of the district the crops were fair to good. The crops in Dharwar Taluka were slightly damaged by grasshoppers.

*Kanara*.—There was no damage to crops on account of insect ravages, frost or unfavourable rains.

**FLOOD RELIEF, GUJARAT : HIS EXCELLENCY  
THE GOVERNOR'S TOUR**

Mr. H. B. SHIVDASANI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to give—

(a) the general details of the places visited by His Excellency the Governor in Gujarat during September last along with those of the petitions and grievances laid before him from the flood-stricken areas ;

(b) the nature and general details of the redress of the said grievances if these are decided by this time ;

(c) approximate figures of damages due to last floods in Gujarat with the nature and general details of actual relief so far afforded to the distressed people ;

(d) the details of any remissions or suspensions of land revenue so far decided upon for Gujarat ?

The Honourable Mr. J. L. RIEU : (a) His Excellency the Governor visited the districts of Broach, Panch Mahals, Kaira and Ahmedabad, as was announced in the newspapers at the time. At each place which he visited, His Excellency received accounts of the distress occasioned by the floods.

(b) and (c) The Honourable Member is referred to the statement made in presenting the demands for supplementary grants.

(d) This question cannot be considered until the results of the current season are known.

**CO-OPERATIVE HOUSING SOCIETIES : STATEMENT OF THE  
HONOURABLE MR. DEHLAVI**

Mr. J. R. PATEL (Kaira District): Will Government be pleased to state—

(a) whether their attention has been drawn to the statement appearing in the *Times of India* of the 23rd August 1926, made by the Honourable Mr. Dehlavi, ex-Minister for Co-operation, regarding co-operative housing societies ;

(b) what they have done to simplify and shorten the lengthy procedure referred to in the above statement ?

The Honourable Mr. G. B. PRADHAN : (a) Yes. The statement appeared in the *Times of India* of 23rd August 1927 and not 23rd August 1926.

(b) In the case of ordinary co-operative housing societies the necessary technicalities cannot be dispensed with. Government will consider what steps should be taken if cases of avoidable delay are brought to their notice.

**FLOODS, GUJARAT : HOUSES OF DEPRESSED AND  
BACKWARD CLASSES**

Mr. J. R. PATEL (Kaira District): Will Government be pleased to state—

(a) whether their attention has been drawn to the fact that the majority of houses that have been damaged or washed off by the recent floods in Gujarat belonged to the depressed and backward classes ;

(b) whether it is a fact that for the most part such houses were situated on the outskirts and the low-lying places of the villages ;

(c) what measures they have adopted to provide new house-sites on a higher level to such people to prevent recurrence of such disasters in future ?

The Honourable Mr. J. L. RIEU : (a) and (b) Yes.

(c) This matter is already engaging the attention of the Flood Relief Officer, Gujarat.

#### FLOODS, GUJARAT : RELIEF

Mr. J. R. PATEL (Kaira District) : Will Government be pleased—

(a) to place on the Council table a statement showing in a tabular form the amount spent by Government in providing gratuitous relief in the form of corn, clothes, seeds, corrugated iron sheets, timber and other building materials, bricks and tiles respectively in each taluka of Gujarat, as also the amount spent by the Bombay Central Relief Fund Committee and other agencies in a similar manner ;

(b) to state whether they have ascertained the extent to which operations in connection with flood relief have been carried on by the Gujarat Provincial Congress Committee and the Sourashtra Seva Samiti up to now, and how far Government have co-operated with them :

(c) to state whether they received any reports from District officers of heroic deeds of saving human lives at great personal risk during the floods ; if not, whether they propose to call for such reports and allot sufficient sum for giving rewards to such persons ?

The Honourable Mr. J. L. RIEU : (a) Inasmuch as the distribution of the materials, etc., mentioned by the honourable member is still going on, it is not yet possible to state how much money has been spent by Government on relief. Government are not aware of the amounts spent by the Bombay Central Relief Fund Committee and other agencies which invited the public to subscribe to relief funds ; but they presume that all these Committees and agencies will in due course publish properly audited accounts for the information of the subscribers.

(b) Government are aware of the nature of the activities of these bodies. There has been full co-operation between the latter and Government.

(c) If any properly authenticated instances of such deeds are brought to the notice of Government, they will receive due recognition.

#### TOTALISATOR BETTING : AMOUNT OF STAKES

Mr. Syed MUNAWAR on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state the total amounts placed on the totalisator (a) in Poona and (b) in Bombay in the year preceding and the year following the levying of the Totalisator Tax ?

The Honourable Mr. J. E. B. HOTSON : Government have no information for the year preceding the introduction of the Totalisator

**Betting Tax.** The amount of the tax at 4 per cent. realised during the financial year 1926-27 was—

Poona

Rs. 4,28,472-3-2

Bombay

Rs. 10,52,799.

From these figures the Honourable Member can calculate the amounts placed on the totalisator.

#### CHAVDI BUILDING, RAVER

Mr. N. R. GUNJAL on behalf of Mr. RAJMAL LAKHICHAND (East Khandesh): Will Government be pleased to state—

(a) whether the public of Raver in the East Khandesh District had applied to the Prant Officer and the Collector for the removal of the present chavdi building and for building it elsewhere in the town;

(b) whether it is a fact that the municipality of Raver had requested the Collector to accept a sum of Rs. 2,000 for the chavdi building on the condition that the second floor of the building should be used by the municipality for its office and that the request was refused;

(c) whether there is any difficulty in changing the present chavdi building to another site;

(d) whether the present order of the Collector not to remove the chavdi building will hold good in spite of the public opinion and the request of the municipality in view of the fact that the chavdi is the property of both, *i.e.*, inhabitants of the town and Government?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) The Municipality of Raver offered to contribute a sum of Rs. 2,000 for the chavdi building on condition that the chavdi was removed from the present site and rebuilt on the site occupied by the cattle pound and the upper storey was allotted for the Municipal Office. This site was however considered unsuitable as it was too small for a chavdi at a place like Raver and was hemmed in on both sides by houses. Another site in proximity to the existing chavdi was proposed, but this was not more convenient than the existing one, and moreover the cost of building on any new site would have come to more than Rs. 6,000 even with all the available materials of the old building. On the other hand the cost of renovating the old chavdi on the existing site was only about Rs. 3,000. The proposal to rebuild the chavdi on a new site was therefore negatived on the ground of expense, and it was decided to rebuild it on the existing site with certain additions and alterations providing for the increase of the width of the road. The Municipality was informed accordingly, and that body having resolved to have its own separate building, withdrew its offer of a contribution to the chavdi fund.

(c) There is no other more suitable site; and there is moreover the question of expense as explained in (b) above.

(d) Chavdis are Government buildings, the ownership of which vests in Government, though the public are allowed to use them. Government are satisfied that there are good grounds for the Collector's decision to rebuild the chavdi on the existing site and they do not therefore intend to interfere in the matter.

#### ANNAWARI : ADWAL AND JALIA

Mr. N. A. BECHER on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state the annawari estimate of crops in the villages of Adwal and Jalia ?

The Honourable Mr. J. L. RIEU :

Adwal	6·1 annas
Jalia	6·3 "

#### ANNAWARI : ADWAL AND JALIA

Mr. N. A. BECHER on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) whether they are aware of the annawari estimates of the villages in Dhandhuka Taluka prepared and published by Committee of the Taluka Local Board, Dhandhuka ;

(b) whether they are aware that the said committee put less than anna 4 for Jalia and Adwal ;

(c) how much land in the said villages was uncultivated because of excessive rains, and how much land could give little or no crops because of damage by insects ;

(d) the approximate area in which kharif was sown and in which rabi was sown ;

(e) whether they are aware that at the time of annawari kharif crop was all taken home ;

(f) whether they are aware that Adwal and Jalia are both talukdari villages held in partnership by different talukdars and that the vahivat books are kept of the village crops in regular form in which all the receipts of crops are entered ;

(g) whether they are aware that receipts of kharif crops in these villages could have been seen in the vahivat books at the time of preparing annawari estimates ;

(h) whether Talati, Mamlatdar, Assistant Collector, Collector or the Commissioner or any of them attempted to have a look of these vahivat books ;

(i) whether any of the above said officers asked villagers their opinion in the matter ;

(j) whether the annawari estimates were prepared and confirmed without any opportunity being given to the villagers to explain their case in person ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) Yes.

(c) In Adwal and Jalia 78 and 250 acres, respectively, were left uncultivated owing to the unfavourable character of the season. The

crops in 1,500 and 100 acres of the two villages were found to have been damaged by insects. The anna valuations for these uncultivated and damaged areas were shown as nil in the statements.

(d)		Kharif		Rabi
		Acres		Acres
	Adwal	..	.. 1,000	5,800
	Jalia	..	.. 1,108	392

(e) Inquiry is being made on this point.

(f) Yes. It was not known to the Mamlatdar that vahivat books in the proper form were regularly kept by all the talukdars. Annawari statements are prepared before the vahivat books are written up.

(g) The vahivat books were not examined. It is not possible to say what information they contained.

(h) No, as it is in no way obligatory or even customary to look into the vahivat books of a coparcenary talukdari village in preparing the annawari of the crops.

(i) Yes. The talukdars of these villages were given an opportunity to explain the agricultural situation in their villages.

(j) The inspecting officers consulted the villagers.

#### ANNAWARI : ADWAL AND JALIA

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) the annawari estimate made by the Mamlatdar of the villages Adwal and Jalia ;

(b) the annawari estimate made by the Assistant Collector of the said villages ;

(c) whether it is a fact that the Assistant Collector had personally visited the villages in question and tried to understand the people's point of view while the Mamlatdar, though he had visited the villages, had not tried to elicit the people's view and that the Collector had done neither ;

(d) the grounds why the Collector accepted the Mamlatdar's view, refused to accept that of the Assistant Collector and paid no heed to the view of the local board committee ;

(e) whether it is a fact that though these villages are not more than four miles from Dhandhuka where Collector had encamped for more than a week, the Collector had not visited them ?

The Honourable Mr. J. L. RIEU : (a) Adwal 6·1 annas  
Jalia 6·3 „

(b) 4·6 annas for both the villages.

(c) Yes, as regards the Assistant Collector. The Mamlatdar did his best to elicit the views of the people. The fact that his view and that the Assistant Collector differed is no reason for concluding that he took no trouble in the matter. The Collector did not visit the villages.

(d) The Mamlatdar considered the condition of each crop and prepared detailed annawaris of them. The Prant Officer reduced the annawari



for the whole village without giving his opinion about each crop separately. The anna valuations of the Bandh Karkun and the Mamlatdar agreed. The Collector reached his decision after considering these factors and a variety of other information.

(e) Yes. The Collector visited other villages of the taluka which he thought required his attention, irrespective of their distance from the taluka headquarters.

#### ANNAWARI : ADWAL AND JALIA

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) whether the Collector, Ahmedabad, had received any application from talukdars of Adwal and Jalia to reconsider the annawari estimates and consequent revenue collection orders made by him ;

(b) if the answer to (a) is in affirmative, what further inquiries he made in the matter ; if not, why not ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) The Collector forwarded the petitions to the Mamlatdar and from further enquiry through him it was found that the orders already passed did not require to be modified.

#### RICE LANDS, VASVARI

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(a) the area of rice lands (Kyari) in the village of Vasvari, taluka Olpad, district Surat ;

(b) in what portion of this area was rice grown in each of the last five years ;

(c) what are the other crops grown in this rice land ;

(d) what is the reason why other crops are grown instead of rice in these lands ;

(e) whether Government charge himayat assessment and akasia assessment on those rice lands in this village in which rice is not grown ;

(f) if so, what is the reason for charging himayat assessment and akasia on these lands ?

The Honourable Mr. J. L. RIEU : (a) 110 acres 36 gunthas.

(b)	Acres	Gunthas	
	11	8	in 1922-23.
	9	5	in 1923-24.
	6	3	in 1924-25.
	0	23	in 1925-26.
	8	36	in 1926-27.

(c) Cotton, Wheat, Rabi, Juwari and grass.

(d) Partly because the kyari land does not get sufficient water from the irrigation tank and partly because of the deficiency of the rainfall. It may also be assumed that the cultivators have found it more convenient and profitable to grow other crops.

(e) Yes.

(f) Because the land has been so classified and assessed.

Mr. H. B. SHIVDASANI : With reference to (d) it is stated that people cannot cultivate rice "because they do not get sufficient water from the irrigation tanks." Do they not get remission of Himayat cess ?

The Honourable Mr. J. L. RIEU : The answer to that is in (f).

Mr. H. B. SHIVDASANI : In years of failure of crops do not Government give remission of himayat cess ?

The Honourable Mr. J. L. RIEU : The answer to that is in the affirmative.

Mr. H. B. SHIVDASANI : Then why are not people given remission ?

The Honourable Mr. J. L. RIEU : I must ask for notice of that question.

Mr. H. B. SHIVDASANI : As regards akasia also, in cases of failure of rainfall, why are they not given remission ?

The Honourable Mr. J. L. RIEU : I have already replied that I am unable to say what the reason for not granting remission in this particular case was.

#### DRINKING WATER FOR GHOGHO

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether, in view of the fact that water of the boring in the port of Ghogho is undrinkable, they are considering the question of damming the river for securing an adequate supply of drinking water ;

(b) if so, what has been the result of those considerations ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) A scheme for water-supply to Ghogho known as " Badi Padwa Project " estimated to cost Rs. 1,31,717 was entered in the famine relief programme of the Northern Division for 1926-27. The survey of the project was not carried out for want of funds and it is unlikely that it will be taken up in the near future.

#### FERRY FARE : GHOGHO TO BHAGWA DANDI

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether they are aware that the passenger fare of the ferry boat plying between Ghogho and Bhagwa Dandi of Surat which was only eight annas per passenger has been raised to a rupee and a half per passenger ;

(b) if so, whether they intend to take any steps for having the abnormally high fare reduced to a reasonable amount ?

The Honourable Mr. J. L. RIEU : (a) The fare was raised in 1920-21 from Re. 1 to Rs. 1-8-0 per passenger ; but this fare is only for two " tapal machwas " which ply between Ghogho and Bhagwa Dandi. There is no regular ferry boat plying between these ports.

(b) Any owner of a machwa is allowed to ply for hire between Ghogho and Bhagwa Dandi under a license granted by the Collector of Salt Revenue, and no person has been given an exclusive right of plying. As the rules do not contemplate the prescription of any maximum fare, it is not possible for Government to interfere with the rates of fares.

#### FOREIGN LIQUOR LICENSE : TEMPORARY RENEWAL

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether there have been any precedents of reviving a cancelled foreign liquor license for the purpose of disposing of its balance stock after the date of its cancellation ;

(b) if so, what were those precedents, and when and in whose case they were allowed to happen and by which officers of Government ;

(c) if the answer to (a) is in the negative on what principles the precedent of reviving a cancelled foreign liquor license in the case of E. R. Fanibanda and Sons in “ Fanibanda Building ” near Saher Kotda Police Chowky, Ahmedabad, was created ?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) The question does not arise.

(c) The license which was cancelled by the Commissioner of Excise was revived by Government in the special circumstances of the case.

Mr. J. C. SWAMINARAYAN : What were the special circumstance which necessitated Government to revive the license cancelled by the Commissioner of Excise though there was no precedent according to the reply to (a) ?

The Honourable Mr. G. B. PRADHAN : Government are not to be guided by precedents alone. If they are to be guided by precedents alone they can take no original action in any case. In this particular case the liquor license was cancelled within five months.

Mr. P. J. MARZBAN : Is the Honourable Minister aware that this sort of question has been asked by this same honourable member Mr. Swaminarayan over and over again — about fifty times at least ?

The Honourable Mr. G. B. PRADHAN : Yes, a dozen questions at a time.

Mr. P. J. MARZBAN : Will the Honourable Minister please say why these questions are asked over and over again ? And what is the motive behind ?

The Honourable Mr. G. B. PRADHAN : He knows best. I cannot say.

#### LIQUOR LICENSES : TRANSFER OF STOCK

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is the policy of Government to transfer the balance stock of a cancelled license to some other existing license of the same licensee ;

(b) if so, what were the reasons for not transferring the balance stock of the cancelled "off" foreign liquor license of Messrs. E. R. Fanibanda and Sons of Ahmedabad to his "Refreshment Bar" license situated in the same premises?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) The question does not arise.

#### FOREIGN LIQUOR LICENSES : SURRENDER AND TRANSFER

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the reasons why the surrendered "off" license of Messrs. D'Souza and Sons of Camp, Ahmedabad, was transferred to Saher Kotda Police Chowky, Ahmedabad, in the neighbourhood of which there was already an "off" license of Mr. F. C. Athayde and where there was no necessity of another "off" license being opened in a neighbouring building :

(b) whether there have been precedents for transferring surrendered licenses to distant localities ;

(c) if the answer to (b) is in the affirmative, the exact circumstances under which those precedents were created and the names of licensees in whose favour such action was taken ?

The Honourable Mr. G. B. PRADHAN : (a), (b) and (c) The Honourable Member is referred to the reply to the question asked by him at this session.\* Government do not think that any public purpose will be served by instituting inquiries with reference to clauses (b) and (c) of the question.

#### REFRESHMENT ROOM LICENSES, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether in each of the refreshment rooms of Ahmedabad City, the average sale of foreign liquor for the last 3 years, 1924, 1925 and 1926 is less than 1,000 gallons except in the refreshment room of Messrs. E. R. Fanibanda and Sons, where the average sale for those 3 years is more than 3,700 gallons ;

(b) if the answer to (a) is in the affirmative whether this is due to the fact that the said license is not conducted as a refreshment room license but as an "on" license for supplying abundant quantity of liquor to the customers including high caste Hindus who are morally and financially ruined ;

(c) if so, what steps Government intend to take to prevent refreshment room licenses from being utilized as "on" licenses for supplying abundant and unlimited quantities of foreign liquor for being drunk on the premises ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) Government have no reason to believe that this refreshment room is conducted otherwise than in strict accordance with the terms of the

license, or that its conduct leads to the moral and financial ruin of high caste Hindus and others.

(c) The question does not arise.

Mr. J. C. SWAMINARAYAN : Will the Honourable Minister refer to the next succeeding question No. 7 which refers to drunkards coming out of the liquor shop and doing mischief on the public road ?

The Honourable Mr. G. B. PRADHAN : If one person comes out drunk it does not follow that the high caste Hindus are morally and financially spoiled. If high class Hindus choose to go and drink, it is not the fault of the refreshment room.

#### REFRESHMENT ROOM, AHMEDABAD : NUISANCES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that on the 29th of August 1927, a very heavily drunk person came out of the refreshment room of E. R. Fanibanda and Sons located at "Fanibanda Building" near Saher Kotda police chowky, Ahmedabad, and caused nuisance to the passers-by, boarded the motor car of one Mr. Purshottamdas and abused the chauffeur ;

(b) whether it is a fact that when the chauffeur called the owner of the car, the said drunkard abused the owner who was forced to hand him over to a police sergeant who was patrolling there ;

(c) whether it is a fact that the said drunkard abused also the police sergeant who consigned him to the Saher Kotda Police Chowky from whence that person owing to his being heavily drunk was sent to a hospital ;

(d) whether the above-mentioned case has been regularly registered by the police authorities and proper steps taken by them in that connection ?

The Honourable Mr. J. E. B. HOTSON : This does not appear to be a matter of any public or general interest.

#### JUDGE, SMALL CAUSE COURT, AHMEDABAD

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) the name and age of the present Small Cause Court Judge at Ahmedabad ;

(b) the average number of cases per day fixed for hearing for each of the last three months ;

(c) the average number of cases decided per day ;

(d) the average number of cases postponed without any hearing ;

(e) whether it is a fact that even in those cases which are postponed the parties, their witnesses and pleaders are kept awaiting from 11 a.m. to 5 p.m. ;

(f) whether it is a fact that this results in very great inconvenience and trouble to parties, their witnesses and pleaders ;

(g) whether it is a fact as a result of this harassment good pleaders do not like to take up cases in this court ?

The Honourable Mr. J. E. B. HOTSON: (a) to (g) Enquiries are being made.

#### JAIL COMMISSION REPORT: HONORARY VISITORS

Mr. SYED MUNAWAR: Will Government be pleased to state—

- (a) the names of honorary visitors to the jails in Bombay city;
- (b) the functions and duties these visitors are required to perform;
- (c) the work done so far by them;
- (d) whether the appointments so far made include social workers as recommended by the last Jail Commission Report;
- (e) the names of the social workers and the institutions to which they belong?

The Honourable Mr. J. E. B. HOTSON: (a) A list is placed on the Council Table.

(b) The Honourable Member is referred to Chapter XVI, Bombay Jail Manual, Part I, revised edition, 1927.

(c) The number of separate visits during the first six months of the current year has been—

Arthur Road Prison	..	..	42
House of Correction	..	..	18

(d) The appointments have been made in accordance with the recommendation contained in paragraph 515 of the Indian Jails Committee's Report.

(e) The Honourable Member is referred to the list mentioned at (a).

#### *A list of non-official visitors of the Jails in Bombay City*

Sir R. A. Spence, Kt., J. P.

Sir Vasantrao A. Dabholkar, Kt., C.B.E., J. P., M.L.C.

Dr. C. Fernandes, M.D., F.C.P.S., J.P.

Khan Bahadur Dr. N. H. Choksey, C.I.E., M.D., F.C.P.S., L.M. & S., J.P.

Mr. B. R. B. Jejeebhoy, J.P.

Mr. Rahimtoola M. Chinoy, J.P.

Mr. P. J. Marzban, J.P., M.L.C.

Khan Bahadur M.I. Curtay, J.P.

Mr. A. N. Surve, B.A., LL.B., J.P. (Advocate).

Commissioner Julius Horskins (Salvation Army),

Miss E. M. Kitching (University Settlement).

Miss Bhikaiji Engineer, M.B.E., M.A., LL.B. (Seva Sadan).

Dr. (Miss) Kashibai Nowrange, B.A., L.M. & S., J.P.

Mrs. Shirinbai M.D. Cama, J.P.

Sister Florence Anna (League of Mercy).

Mrs. Shafi Tyabji, J.P.

#### GRASS FARMING SPECIAL OFFICER

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

- (a) whether they had sent an officer to America to specialise in grass farming;
- (b) when he returned;

- (c) what amount was spent on him ;
- (d) what post he holds at present ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) In December 1924.

(c) This is being ascertained.

(d) Acting Assistant Professor of Botany, Agricultural College, Poona.

Rao Saheb R. V. VANDEKAR : What is the name of the officer ?

The Honourable Mr. G. B. PRADHAN : I do not know.

Mr. R. G. PRADHAN : As regards (a), it is stated that an officer was sent to America to specialise in grass farming. If that is so, why was he not given some appointment connected with farming ?

The Honourable Mr. G. B. PRADHAN : I really do not know whether the Assistant Professor of Botany has anything to do with farming or not. I will make enquiries.

#### IRRIGATION ASSESSMENT : SANGAMESHWAR

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state the reasons why the assessment of Sangameshwar (taluka Malegaon, district Nasik) II Class Irrigation has been raised by 50 per cent. whereas in other villages where there is similar irrigation it is raised by nearly 33 per cent. ?

The Honourable Mr. J. L. RIEU : Sangameshwar adjoins Malegaon and its irrigated area is within five minutes' walk of Malegaon Bazar. This is a very great advantage in the matter of marketing garden produce, and the advantage is reflected in the lease multiple of 6.64. The village has also the highest sale multiple in the Taluka. These are the main grounds for raising the assessment to the extent decided.

#### MUNICIPALITIES IN THE CENTRAL DIVISION : NOMINATION OF MUHAMMADANS

Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state—

(a) whether it is the policy of Government not to nominate Muhammadan members to municipal councils where seats are reserved for Muhammadans ;

(b) if not, what is the strength of nominated members to municipal councils in the Central Division and how many Muhammadans are nominated by Government to such seats and where ?

The Honourable Sir GHULAM HUSSAIN : (a) No. (b) Information is being called for.

#### GOVERNMENT BILLS

(Consideration of Bill No. XXXV of 1927, a Bill further to amend the Bombay Port Trust Act, 1879, resumed).

The Honourable the PRESIDENT : I understand that the House had discussed an amendment by the honourable member Mr. Bole for .

[The President]

the deletion of the words " officers and " in clause 2 of the bill. I should like to know from the Honourable the General Member as to what is the understanding.

The Honourable Sir COWASJI JEHangIR : There is no understanding, Sir. The honourable House thought it advisable to have a little more time to consider the clauses of this bill, and they have had that time. I have also had a little time to consider the remarks made by honourable members when the bill was introduced and I have already given notice of a few amendments which I propose to move. I think the amendments I am moving now will cover all the points raised by my honourable friend Mr. Bole, and if to save the time of the House, he withdraws his amendment I will move my amendments as they come.

Mr. S. K. BOLE : In view of the statement made by the Honourable the General Member, I beg leave to withdraw my amendment.

The Honourable the PRESIDENT : Has the honourable member leave of the House to withdraw his amendment ?

Question put and leave granted.

The Honourable Sir COWASJI JEHangIR : Mr. President, I move the following amendment :

In clause 2, line 10, after the word " fund ", insert the words " or funds ".

Question put and carried.

The Honourable Sir COWASJI JEHangIR : My next amendment is :

In line 14 of clause 2, delete the words " and the Chairman ".

Question put and carried.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir if the Honourable the General Member is prepared to restrict the benefit of the welfare fund to officers and servants drawing say Rs. 200 and lower, then I can withdraw my amendment.

The Honourable Sir COWASJI JEHangIR : I am not prepared to accept any such amendment ; I am only prepared to move my amendments.

Mr. J. C. SWAMINARAYAN : Then, I move my amendment as follows :

In clause 2, line 12, delete the words " the officers and ".

Question proposed.

Mr. N. A. BECHAR (Karachi City) : I would request my honourable friend from Ahmedabad not to press his amendment. As a result of the conversation that we have had on this question after the matter was adjourned we understood that it might affect the salaries of clerks and others. Now, we do not like to make a distinction between a labourer and a clerk, and we would allow this to go on. I do not think, Sir, that the amendment proposed would make a very big difference. I would draw your attention to the fact that we are not at all satisfied with one or two concessions that the Honourable the General Member has made,



[Mr. N. A. Bechar]

He has omitted, Sir, a very serious concession ; he has not satisfied us in matters anywhere in regard to the committees that we wanted....

The Honourable the PRESIDENT : Order, order. The Secretary informs me that the honourable member has already spoken on the subject, when there was an identical amendment moved by the honourable member Mr. Bole. Does the honourable member Mr. Swaminarayan wish to press his amendment ?

Mr. J. C. SWAMINARAYAN : Yes, Sir. I want to press it, whatever may be its fate.

The Honourable Sir COWASJI JEHangIR : Mr. President, I think the amendment of my honourable friend will not carry out his intention. His intention is that if the working man contributes towards the fund, the working man should take advantage of such contribution. If the higher paid servants of the Port Trust contribute towards this fund, they should take advantage of such contributions. That is the intention of my honourable friend. But I would draw his attention to the fact that there is no definition of " officers " or " servants " in the whole of the Port Trust Act, and, therefore, if he omits the words " officers, " he does not know really what he is doing. He may be cutting out men who may be the most deserving of assistance. Therefore, I suggest to my honourable friend that he should withdraw his amendment, lest he may be doing more harm than good. He will notice that the next amendment that I have given notice of, will cover both his points. I can tell him just now that it will cover both his points.

Mr. J. C. SWAMINARAYAN : In view of the explanation given by the Honourable the General Member. I beg to withdraw my amendment Amendment by leave withdrawn.

Clause 2, as amended, ordered to stand part of the bill.

Clause 3 (*Amendment of section 49 of Bom. VI of 1879*)—

In section 49 of the said Act—

(a) for clause (1) the following shall be substituted, namely :—

" (1) (i) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act ;

(ii) the contributions, if any, duly authorized to be made.

(a) to any provident fund established by the said officers and servants, or,

(b) to such provident fund or welfare fund, if any, as may be established by the Board for the benefit of such officers and servants and the chairman ;

(iii) the contributions or appropriations to such special fund or funds as may be established by the Board for any of the purposes of this Act ; and

(iv) if any such provident fund or welfare fund or special fund be established by the Board, the cost and expenses, if any, which may be incurred by the Board in the conduct and administration thereof ; "

(b) the following proviso shall be added to the said section, namely :—

" Provided also that the Board shall have power and shall be deemed always to have had power at any time to apply, with the sanction of the Government, the moneys credited to the general account in payment of any other charge not included in the foregoing clauses of this section."

The Honourable Sir COWASJI JEHangIR : Sir, I beg to move the following amendment to clause 3 :—

In line 18 of clause 3, sub-clause (b) of part (ii) of new clause (1) of section 49 of the Act, delete the words " or welfare fund."

[Sir Cowasji Jehangir]

In the next amendment I will ask the honourable House to insert a section by itself for welfare work and so I ask the House to allow these words to be deleted from the section as it stands.

Question put and carried.

The Honourable Sir COWASJI JEHangIR : Sir, I beg to move the following amendment to clause 3 :—

In clause 3 after sub-clause (b) of part (ii) of new clause (1) of section 49 of the Act, insert the following sub-clause :—

“(c) to such welfare fund or funds if any, as may be established by the Board for the benefit of such officers and servants ; Provided that any contribution to a welfare fund established by the Board for the benefit of such officers and servants drawing not less than Rs. 300 a month shall not exceed the amount accruing from the following sources, *viz.*—

- (i) fines levied from such officers and servants ;
- (ii) unclaimed salaries of such officers and servants ; and
- (iii) forfeitures of contributions to the provident fund established by the Board for the benefit of such officers and servants.”

Sir, there are two principles involved in this amendment. I have already informed the House that a part of the money to be used for the welfare fund will come from fines levied from officers and servants, from their unclaimed salaries and from forfeitures of their provident fund. Honourable members suggested that there should be some provision in the bill to safeguard the interests of the different classes who forfeit their salaries, etc., that is to say, that if workmen contribute to the provident fund by forfeiting their salary, etc., such amount should be utilised for the benefit of such workmen, and if officers contributed to the welfare fund from forfeiture of their salary or provident fund, such amount should be used for the benefit of such officers. That was one principle. I have agreed to the addition of such a provision in the bill and this amendment will carry out that intention.

Then, in this bill the Trustees have been empowered to use money for welfare work from general revenues over and above any money that may be provided by different classes of employees from their fines, etc. I personally think that if the Port Trustees are given this power, perhaps this honourable House would like to restrict that power to a certain extent and I have, therefore, provided that as the Trustees are allowed to use funds from the general revenues, those monies should not be utilised for the benefit of any officers drawing more than Rs. 300 a month. That principle has been embodied in this amendment. Therefore we are restricting the use of monies contributed by the various classes of employees for the benefit of those classes. We are also restricting the Trustees to using monies from the general revenues only for the benefit of officers drawing a salary of less than Rs. 300.

I think these two provisions are very sound and I trust they will be accepted by the honourable House.

My honourable friend Mr. Swaminarayan gave me an indication of his criticism to this amendment by saying that he would like the Rs. 300 to be reduced to Rs. 200. I think I will meet his criticism before he

[Sir Cowasji Jehangir]

actually speaks on this amendment. My honourable friend must realise that in the City of Bombay the cost of living is rather higher than in the mofussil and that a man drawing Rs. 300 a month is sometimes more deserving of a little help by way of welfare assistance than even the lowest paid employees of the Trust. Therefore, we have got to judge—it is not easy to judge—as to which employees deserve such assistance. In my humble opinion an employee drawing Rs. 300 a month deserves such assistance and therefore I put the figure at 300. There are some clerks in the Trust who draw Rs. 300 a month and, as we do not wish to do any injustice to any class of employees who really deserve assistance on account of the high cost of living in the city of Bombay, I trust my honourable friend will accept this as an explanation from one who has lived in Bombay for many years and who has begun to realise which class are the most deserving of assistance. I trust he will accept this figure of 300 and let the amendment pass.

Question proposed.

Mr. B. V. JADHAV : I support the amendment.

Question put and carried.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I beg to move the following amendment to clause 3 :—

In clause 3 (b), line 37, insert the words “if the Board decide with a majority of two-thirds of the whole number of trustees” between the word “that” and the word “the.”

The necessity for some such control becomes apparent when we think of expenditures likely to be incurred on such things as, for instance, the lunch given to the South African Deputation. In matters like this I think there should be some control on the part of trustees as in the case of city municipalities which require a two-thirds majority for voting an address. It is a wholesome check and I hope the House will accept my amendment.

Question proposed.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I rise to oppose this amendment. I notice that the learned professor from Ahmedabad is always fond of two-thirds and that he is never satisfied with a bare majority. Now, he should remember that the Board of Trustees is an independent body consisting of very able and very experienced men, and it is doing them an enormous injustice to say that they will not be able to manage their affairs with a bare majority. If the affairs of this House and other large bodies are managed with a bare majority, I think it is a stigma on the trustees, the majority of whom are Indians, to make such a provision.

An Honourable MEMBER : The majority are not Indians.

MOULVI RAFIUDDIN AHMAD : They may not be in a majority, but they are very distinguished, far more distinguished than even Englishmen. Therefore, I believe that it will not be doing the right thing to make this provision, and I hope the honourable member will withdraw his amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, this refers to special expenditure and there should be a wholesome check on it. In the case of municipalities, this kind of expenditure can be incurred only when it is passed by a two-thirds majority.

The Honourable the PRESIDENT : That is the same argument as the honourable member has used in moving his amendment.

Mr. J. C. SWAMINARAYAN : Therefore, I have moved my amendment in that form. If the Honourable Member in charge is prepared to accept it, then I have nothing more to say.

The Honourable Sir COWASJI JEHangIR : Sir, the honourable member has contended that such a provision exists in the City Municipalities Act. Let me give him the analogy of two other Acts, the Karachi Port Trust Act and the Aden Port Trust Act. We have taken this provision from these two Acts. Section 61 (7) of the Karachi Port Trust Act provides as follows :—

“ Any other charge which may be specially sanctioned by the Commissioner on the application of the Board, or for which the Board may be legally liable.”

It gives the Board entire discretion to ask the Commissioner to sanction any expenditure. The Aden Port Trust Act also makes the following provision :—

“ Any other charge which may be specially sanctioned by Government on the application of the Board or for which the Board may be legally liable.”

Both these Acts provide for a similar measure, and I do not see why we should make a distinction between the trustees of the Ports of Karachi and Aden and the trustees of the Port of Bombay. Further, they have to get the sanction of Government to any such expenditure. I hope, therefore, the honourable member will withdraw the amendment, since I have shown him two Acts containing similar provisions.

Mr. J. C. SWAMINARAYAN : In view of the explanation given, I ask for leave of the House to withdraw my amendment.

Question put and leave granted.

Clause 3, as amended, ordered to stand part of the bill.

Clause 4 (*Amendment of section 50 of Bom. VI of 1879*) ordered to stand part of the bill.

Clause 1 (*Short Title*) :—

“ This Act may be called the Bombay Port Trust (Amendment) Act, 192 ” .”

Mr. BALAK RAM : Sir, I move :—

In clause 1, after the figures “ 192 ” add “ 7 ”.

Question put and carried.

Clause 1, as amended, ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Sir COWASJI JEHangIR : Sir, I beg to move that

Third Reading. the bill be now read a third time.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT : The bill is read a third time and passed into law.

**BILL No. XXII OF 1927 [A BILL TO AMEND THE MAHUL CREEK  
(EXTINGUISHMENT OF RIGHTS) ACT, 1922].**

*(As amended by the Select Committee)*

The Honourable Sir COWASJI JEHangIR : Sir, I beg to present the report of the select committee on Bill,\* No. XXII of 1927 (A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922).

The Honourable the PRESIDENT : The report of the select committee is presented.

The Honourable Sir COWASJI JEHangIR : I beg to move that the  
Second Reading. bill be read a second time.

Bill read a second time. Question put and carried.

*Bill read Clause by Clause*

*Clause 2 (Amendment of preamble and section 2 of Bom. IV of 1922)*  
ordered to stand part of the bill.

*Clause 3 (Amendments made by section 2 to have retrospective effect)*  
ordered to stand part of the bill.

*Clause 1 (Short Title) :—*

“ This Act may be called the Mahul Creek [Extinguishment of Rights (Amendment)]  
Act, 192 ”.

Mr. BALAK RAM : Sir I move :

In clause 1, after the figures “ 192 ” add the figure “ 7 ”.

Question put and carried.

Clause 1 as amended ordered to stand part of the bill.

The Preamble ordered to stand part of the bill.

The Honourable Sir COWASJI JEHangIR : Sir, I beg to move that

Third Reading. the bill be read a third time.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT : The bill is read a third time and  
passed into law.

**PRIVATE BILLS**

**Further Consideration of Bill No. XXIII of 1927, [A Bill Further  
to Amend the City of Bombay Municipal Act] (Act No. III of 1888)**

Mr. S. C. JOSHI : Sir, I rise to support the first reading of the bill moved by my honourable friend Mr. Syed Munawar. The only object of the bill is to make provision in the City of Bombay Municipal Act for the representation of Labour on the municipal corporation. The honourable mover has quoted figures to show that more than 45 per cent. of the population of Bombay belongs to the labouring classes, and there is no representation on the municipal corporation for such a large proportion of the population. It is most unfair that such a large population should

[Mr. S. C. Joshi]

go unrepresented in a corporation, which is a part of Local Self-Government. The need for Labour representation has now been well recognised. Other bigger bodies, such as the Provincial Legislatures and the Legislative Assembly Labour has been given representation. In the discussion on the Bombay University Bill a few days ago, it was admitted by this House that there should be a representative of Labour on the Senate of the Bombay University, and the Honourable the Leader of the House was even prepared to give franchise for the election of a representative of Labour, provided it was well organised. The case for the representation of Labour on the Bombay municipal corporation is much stronger. The most important questions of primary education, sanitation, health and other important civic rights are often discussed in the corporation. On such important question the labour must have its voice felt. Therefore it is necessary that labour should have representation on the corporation. The labour population of the city is very large and it is fair and reasonable that the request made in this bill by the honourable mover Mr. Syed Munawar should be accepted. I hope that the Honourable Minister in charge of Local Self-Government will accede to this very reasonable request which is contained in the bill and which does not in any way disturb the present arrangement. I appeal to the honourable members of this House to give representation to labour in the Bombay municipal corporation.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I heartily support the bill which has been brought by the honourable member for labour. During the last few days several bills were brought for reducing the franchise to Rs. 5 and for securing representation thereby to the backward communities in the city of Bombay. Those bills have been rejected by the House. Now, this bill asks for representation of labour on the Bombay corporation, which is absolutely essential. Here there is no communal question, because labour consists of men of all communities, Hindus, Mahomedans and others. Therefore there is no room for any honourable member to be actuated by any communal considerations on this question. Some honourable members of this House who are also members of Bombay corporation said that labourers live on wealthy members of the society, but I say labour is absolutely essential for the production of wealth and if there is no labour there will be no wealth. Both capital and labour are absolutely interdependent and essential for the economic progress of the country.

In the Karachi municipality there are representatives of labour. They look after the welfare of their constituents very efficiently with regard to primary education, drainage, sanitation and so on. Seven years before there were no representatives of labour on the Karachi municipality and the two wards *viz.*, Lahari Quarters and Ranchhod Line Quarters ward which are mostly populated by labourers was neglected, because rich people who were in the municipality looked after the sanitation, health, primary education and drainage only of their respective wards. The representation of labour is absolutely essential in order to look after the

[Mr. Haji Mir Mahomed Baloch]

civic amenities of labour. The officers of the Karachi municipality pay heed to the grievances of labour and remedy any defects that may exist with regard to water supply, sanitation, drainage, primary education and so on. In Government nomination according to their choice there is a defect. In the Karachi Port Trust they gave representation to labour. Government nominated a European to represent labour and the next time they nominated some prince or chief who did not know anything about labourers' grievances and difficulties.

The bill asks for only 4 representatives on the Bombay corporation and these four representatives will be able to ameliorate the condition of living of their men in the several wards of the city. This modest representation of labour by only four men will not in any way jeopardise the municipal administration as it was feared in the case of backward communities.

Whenever a ward has a right to return a member, its interests, *viz.*, sanitation, drainage, education, are very carefully looked after by its representatives. I trust all the members of this honourable House will support this bill.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, now three bills that were brought forward in this House in the interest of labour have been rejected. I am afraid this bill also will have the same fate. (Honourable Members : No, no.) If it is not so I shall be very much grateful to the honourable House. This bill which has been brought by my honourable friend Mr. Syed Munawar has two objects. He wants first that the number of representatives on the corporation should be increased from 106 to 110, out of which four seats should be allotted to labour by Government nominating them. He does not want to interfere with the existing arrangement of the corporation at all. He wants only to increase the number of members on the corporation by four, which should be given to labour. But there is one thing in this demand that these four members should be nominated by Government in consultation with the organised labour bodies—that no member who will not be recognised by the labour union should be nominated by Government. As it has been pointed out for the last six days that unless labour is organised we are not going to give any representation to that body. Now, the demand is that the members for nomination should be chosen in consultation with organised labour organisations. I do not think the Honourable Minister for Local Self-Government will refuse this demand.

There is also another demand in clause 3, namely, that representation should be given according to the population.....

The Honourable the PRESIDENT : That has been withdrawn.

Mr. R. S. ASAVALE : Then, I have nothing to say about that. With these few remarks I support the first reading of the bill.

Mr. P. J. MARZBAN (Bombay City, South) : Mr. President, I am in favour of this bill, because this removes the objection that I had to the preceding bill moved by the honourable member Mr. Bole. And, Sir, when I give support to this bill, I do trust that the honourable

[Mr. P. J. Marzban]

members of the backward and depressed classes in the House will now concede that my opposition to the honourable member Mr. Asavale's and the honourable member Mr. Bole's previous bills was based on my sincere conviction as to their inadvisability. This bill seeks to add by nomination four more Labour members to the corporation, and I support it because I do presume that their presence in the corporation will not upset the existing machinery. Sir, there is only one difficulty, and it is that a clear definition of the term 'labour' is required. I am given to understand, Mr. President, that a labourer is one who works with his hands and not with his brains. For instance, I also work with my hands—with the pen in my hand ; where do I come in ? I suppose I am a labourer. Mr. Ginwalla, who is a fearless champion of labour, is a solicitor ; he works with his brain and he employs labour. Where does he come in ? If, therefore, the labouring class would once and for all define "labour" and if they have a proper organisation, *i.e.*, if we once clearly understand to which proper labour organisations we must look to while making nominations, the whole difficulty will disappear.

I do hope that in the corporation Labour members will be very useful. For instance, in the mechanical department and in the health department, where we employ a number of mechanics and sweepers, Labour members will be very useful in giving useful practical suggestions. I am sure that the Honourable the Minister for Local Self-Government will not see any difficulty in acceding to this reasonable demand, and thus setting at rest the fears of the members of the depressed classes that Government and some members of this House are trying to suppress them. This Council, I understand, has got four seats specially reserved for Labour, and I do not see why the corporation should not have four seats.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Mr. President, when the Improvement Trust Act was on the anvil, the Honourable Minister for Local Self-Government very gladly accepted the principle of representation for labour on the Trust. At that time he was in a mood to listen to the demand of the poorer classes. But for the last two days, what have we seen ? The labourers and the poorer classes wanted to get in through the front door of election by a reduction of the franchise. That being shut, they wanted to get in through the side door of reservation of seats for the labouring and poorer classes. That door also was shut. And this is the third door, the back door, of nomination. They now want Government to allow them to enter through this door into the corporation of Bombay. Now, if you shut all the doors you will be sitting on the safety-valve of a steam boiler. If you do not allow them access by any of these means, it will lead to revolution or red revolution. Therefore, I think it would be wise for Government to allow the poor people to get in at least by this third door of nomination. This is the last way, and if this last way also is shut, the consequences cannot be imagined. Government should satisfy their aspirations in a legitimate way. If you shut all the legitimate ways, the result will be disastrous.



MOULVI RAFIUDDIN AHMAD (Central Division) : I rise, Sir, to support this bill. I am rather glad that my honourable friend from Ahmedabad is now in favour of nomination although he has been always denouncing it. My main ground for supporting this bill is that Labour members would be very useful in the Bombay corporation. We all know that the city of Bombay is a paradise of the rich, but continues to be a purgatory for the poor. I therefore think that these Labour members, if sent to the corporation, will do their best to improve the condition of Bombay. After extending so enormously the franchise, I do not think it would be right for the Honourable Minister to entertain disbelief of Labour ; it would be inconsistent with his policy. I wish him to go down to posterity as a great friend of Labour as well as of wide, almost universal, franchise. He may feel some difficulty in accepting the bill as it is because it may cause him some trouble in future but I would advise him not to bid good morrow to the devil until he meets him. I am sure everybody will sympathise with Labour, and perhaps the rich all the more will because their riches are derived from the labour of the poor. It may be that the Honourable Minister does not like to increase the number of members of the corporation. If so, he may move an amendment to this bill at a later stage. But by some method or other he should provide by statute nomination for these people. An amendment may be moved in the select committee, but the principle should be recognised now. I do not think, from what I know of the inclinations of the Honourable Minister, that he will reject this motion. I do not think the motion is opposed by any side of this House.....

Mr. B. G. PAHALAJANI : It will not be opposed now.

MOULVI RAFIUDDIN AHMAD : It will carry greater weight if you oppose it now. With these remarks, I would request the Honourable Minister to support the Bill.

Sir VASANTRAO DABHOLKAR : Sir, I rise to support the bill, because this is the most reasonable of all that we have discussed on the floor of this House. This is a laudable bill. I do not understand why the honourable member who just resumed his seat should entertain the fear that the Honourable Minister may not like to increase the strength of the corporation. What is the strength of this honourable House ? It is 114. The present strength of the corporation is 106, and if four more are added, it will make 110. Why should the honourable member, the Moulvi saheb, say that the Honourable Minister would not accept the increased number on the corporation ? On the contrary the corporation would welcome it. Sir, my honourable friend the mover has brought in the bill in such a reasonable manner that he has asked for nomination leaving the option to Government who are in a better position to know who are the leaders of Labour and who are in a position to watch their interests. It is on this ground that the bill should be accepted. This bill is not like the two other bills which have been rightly thrown out.

[Sir Vasantao Dabholkar]

Sir, my honourable friend Mr. Marzban said that he was himself a labourer; he was employing labour. My honourable friend on my right (Mr. Ginwalla) also said that he was a labourer and that he was employing labour in his office. We do not reckon Mr. Marzban as a labourer, he has got a palatial house, nor my honourable friend Mr. Ginwalla. We do not want labourers of the type of Mr. Marzban or Mr. Ginwalla, to represent Labour on the corporation; we want those who are intimately acquainted with the circumstances and conditions of the Labour. I have always found my honourable friend Mr. Marzban supporting the A ward. I do not say he does not support other wards such as F and G. But his tendency is more towards the A ward. He admits that it is natural. If he admits that his tendency is to support his own ward, namely A ward, which is a very sanitary ward, how can this Council count upon him as a representative of labour?

Sir, as far as this question is concerned, surely the time has come to give representation to Labour on the corporation. But I would like to give the mover of the bill a piece of advice and also to those honourable members who were disappointed when their bills were rejected. The time has come when Labour should see that their unions are properly organised so that Government may be given an opportunity to have a representative of Labour on the corporation from such organization which have been properly organized. With these few remarks, I heartily support the bill.

The Honourable Sir GHULAM HUSSAIN: I rise to reply to my honourable friend who has just sat down and who is always taunting me in this House with doing things without consulting the wishes of the corporation. May I ask him whether in this matter we are in a position to say what their opinions are? Does he authorise me on behalf of the corporation to act as I like? This bill affects the Bombay corporation, which is a premier corporation, and I think it is in the interests of the corporation as well as in the interests of Labour that we refer the bill to the corporation.

Mr. B. G. PAHALAJANI (Western Sind): I move:

That the bill be postponed to the next July session of the Council and in the meanwhile the opinion of the corporation be obtained.

Sir VASANTRAO DABHOLKAR: Sir, I rise to oppose the motion to defer the matter to the next July session. No grounds have been given by the honourable member. The Honourable Minister said that I was always taunting him as regards referring the matter to the corporation. I have done so because I know the feelings of the corporation.....

The Honourable the PRESIDENT: The honourable member must confine his remarks to opposing the motion before the House.

Sir VASANTRAO DABHOLKAR: I think the matter should not be referred to the corporation.

Question put : House divided : Ayes 48 : Noes 18 : Motion carried.

*Division No 14.*

### Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Saheb  
ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
BALAK RAM, Mr.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DAWOODKHAN SHALEBHAY, Mr.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESAI, Mr. J. B.  
DESHPANDE, Mr. L. M.  
DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GHULAM NABI SHAH, Khan Bahadur  
GUNJAL, Mr. N. R.  
JADHAV, Mr. B. V.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
JITEKAR Mr. HAJI IBRAHIM HAJI  
MAHOMED  
KARKI, Mr. M. D.  
LALJI, NARANJI, Mr.  
MAJMUDAR, Mr. N. G.

MARTIN, Mr. J. R.  
MEHTA, the Honourable Sir CHUNILAL  
MONTEATH, Mr. J.  
MUJUMDAR, Sardar G. N.  
NAIK, Rao Bahadur B. R.  
NANAL, Mr. B. R.  
NOOR MAHOMED, Mr.  
OLIVEIRA, Mr. F.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
PATEL, Mr. J. R.  
POOLEY, Mr. C. B.  
PRADHAN, the Honourable Mr. G. B.  
RIEU, the Honourable Mr. J. L.  
SARDESAI, Mr. S. A.  
SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
SHANKARRAO JAYARAMRAO ZUNZARRAO,  
Mr.  
SHIVDASANI, Mr. H. B.  
SMART, Mr. W. W.  
SURVE, Mr. V. A.  
THAKOR OF KERWADA, The  
THORNBEE, Mr. J. P.  
TURNER, Mr. C. W. A.  
WEBB, Mr. M.  
WILES, Mr. G.

*Tellers for the Ayes :* Mr. B. G. PAHALAJANI and Rao Bahadur R. R. KALE.

### Noes

AMBEDKAR, Dr. B. R.  
ANGADI, Rao Bahadur, S. N.  
BECHAR, Mr. N. A.  
BOLE, Mr. S. K.  
DABHOLKAR, Sir VASANTRAO  
GINWALLA, Mr. F. J.  
HAJI MIR MAHOMED BALOCH, Mr.  
JOSHI, Mr. S. C.  
LIGADE, Mr. S. P.

MARZBAN, Mr. P. J.  
NAVLE, Mr. N. E.  
PATIL, Rao Saheb D. R.  
PRADHAN, Mr. R. G.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
SWAMINARAYAN, Mr. J. C.  
SYED MUNAWAR  
THORAT, Sardar S. B.  
VANDEKAR, Rao Saheb R. V.

*Tellers for the Noes :* Sir VASANTRAO DABHOLKAR and Mr. SYED MUNAWAR.

## BILL No. XXVIII OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS ACT, 1925).

Mr. H. V. PATASKAR (East Khandesh District) : I do not wish to move the first reading of this bill at this session, Sir.

## BILL No. XXIX OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY CITY MUNICIPALITIES ACT, 1926)

*(Motion for first reading.)*

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move  
the first reading of this bill.\* Before the City  
First reading Municipalities Act was passed, under the District  
Municipal Act, the municipality had the power of determining the rebate  
to be given on rentals. As for example, in Ahmedabad municipality,

[Mr. J. C. Swaminarayan]

the tax is determined upon the rental. The compulsory water tax is levied at the rate of 5 per cent. on the rental and the connection water tax for those who have got water connections is also at the rate of 5 per cent. on the rental. That is to say, the former rate was 10 per cent. on the rental. Formerly, the Ahmedabad municipality was deducting 1/6th of the rent for the purpose of repairs, etc., and on the net rental after deduction the tax was to be levied. Now, in section 78 (2) of the new Act it has been provided that only 10 per cent. shall be deducted. Now, this change lays very heavy burden on the poor, because the classification under which water tax is levied in Ahmedabad municipality is 1 to 20. That is to say, on a rent of 1 to 20, the tax will be levied on 20, and between 20 and 40, whatever may be the rent, the man will be charged at the rate of 40. Similarly between 40 and 60. Thus, the classification in Ahmedabad municipality is 20, 40, 60, 80, 100, 120 and so on. Now, by the new change, the poor man will have to pay a very heavy tax. The increase in the tax of the poor people will be very heavy. Suppose a man pays a rent of Rs. 2 per month, that is, Rs. 24 per year. Now, according to the old rebate, 1/6th would have been deducted and Rs. 20 would be the net rent and the man would be required to pay a tax of Rs. 2. Now, by the new change of 10 per cent. the net rental after deduction will be 21·6 and the man would be charged a tax on Rs. 40. That is to say, a man who was paying Rs. 2 as water tax will have now to pay Rs. 4 as water tax. That is to say, in the case of a man who pays a rent of Rs. 2, the increase will be from Rs. 2 to Rs. 4; that is to say, 100 per cent. increase. Similarly, in the case of a man who is paying a rent of Rs. 4 per month, that is, Rs. 48 per year, after deducting 1/6th the net rental was calculated to be Rs. 40. Now, after the deduction of 1/10th, it would be Rs. 43·2. That is to say, a man who was paying a tax of Rs. 4 formerly would have to pay Rs. 6. That is to say, the increase would be 50 per cent. In the case of a man whose rental is Rs. 25, that comes to Rs. 300 per year. Now, after deducting 1/6th, the man should have to pay Rs. 25, and after deducting 1/10th he will have to pay a tax on Rs. 270. That is to say, a man who has got a monthly rental of Rs. 25 would have to pay Rs. 27 instead of Rs. 25. He will have only 8 per cent. increase in his tax. By this new arrangement, all the poor people in Ahmedabad who were paying a tax of Rs. 2 formerly have now to pay an increase of Rs. 2. That is to say, they have got a 100 per cent. increase. A man paying four rupees pays six rupees. Therefore this bill is in the interest of the poor living in small houses.

An argument may be advanced that I am advocating the cause of the landlords and rich people, but really speaking in Ahmedabad everybody, even widows, live in their own houses come down to them from ancient times. The majority of the people in Ahmedabad live in their own houses, small or big, and many people live in houses paying two rupees a month as rent. The owner of the house puts additional taxes on their tenants. The change has been very disastrous and has placed a heavy burden on the heads of the poor to the extent of 50 and 100 per cent. whereas there is a moderate increase in the case of people paying 25 and more rupees

[Mr. J. C. Swaminarayan]

rent. Even the income tax authorities allow a rebate of 1/6th in calculating income from rents. I do not know why the municipalities should be more exacting than the income tax authorities. The municipalities lost their power. The power I am asking for municipalities to fix the rebate at the minimum of 1/10th and the maximum of 1/6th would be in accordance with the constitution of various municipalities. There should be no favouritism or any room for partiality. By wishing to give discretion to the municipalities I do not suggest that such discretion should be abused or improperly used. My one and single object in bringing forward this bill is to prevent heavier burdens from falling on the heads of the poor than on the heads of the richer classes. I hope therefore that it will meet with the approval of the House, and that it will pass the first reading.

Question proposed.

The Honourable Sir GHULAM HUSSAIN : Sir, I have been hearing so much from the honourable mover of the bill that he brings every measure in the interests of the poor that I am beginning to feel tired. Last time when he brought a bill against the talukdars of Gujarat, it was in the interests of the moneylenders, but he pleaded that it was in favour of the poor. I must say, Sir, that the present bill will, if passed, work in favour of the landlords, and yet he urges that he has brought the bill in the interests of the poor. What does he propose ? Section 78 (2) of the City Municipalities Act lays down that 10 per cent. of the rental value should be allowed as rebate for repairs. He proposes that the minimum should be one-tenth and the maximum one-sixth, that is, he is keeping the door open to the municipalities to grant rebates varying from one-tenth to one-sixth, as against the present uniform rate of ten per cent. laid down by the section I have just quoted. May I ask him, who owns the houses, the rich or the poor ? The rich people own houses. That being so, what will be the effect of passing his bill ? The poor people cannot pay Rs. 100 or Rs. 200 a month for rent. They pay 2 to 3 rupees and if the rebate suggested is to be given, it will have to be given to the owners of houses fetching large amounts of rent. . . . .

Mr. J. C. SWAMINARAYAN : Instead of three, he will pay four.

The Honourable Sir GHULAM HUSSAIN : Certainly not.

Again, it has been observed that in the Bombay corporation, the premier corporation in this presidency, where the cost of materials and labour is comparatively higher than in the mofussil, there has been no complaint made, against 10 per cent. rebate. On the contrary there have been complaints that landlords, though they get rebates, do not carry out repairs. What will be the effect of accepting the amendment proposed by the advocate of the poor ? It will make the municipalities hotbeds of quarrels, and give rise to favouritism, nepotism, corruption, and so on. What will be the result ? I do not want to attribute motives, but some of the councillors themselves may be owners of houses. The councillors will try to influence the chief officer, whose life will become miserable.

[Sir Ghulam Hussain]

Again, the Ahmedabad municipality is always pressing for more grants from Government, and here is a legitimate source of income which the honourable member wants to deprive the Ahmedabad and other municipalities of. When it is necessary to put more money into the coffers of the municipalities, he is trying to put more money into the pockets of the owners of houses, in other words, of the rich. If we give this discretion to the municipalities, the result will be that one-sixth will be the rule, because if one man gets one-sixth, the others will also demand the same, and so many influences will come into play, such as the councillors influencing the chief officer, that it will give rise to many quarrels.

Even in Bombay where the cost of building and materials is higher, 10 per cent. is the uniform rate of rebate, and yet there has been no complaint. This rule has been in force for 40 to 50 years without any dissatisfaction. On the contrary, complaints have been received to the effect that landlords do not care to carry out repairs although they get the rebate. I would request the honourable mover not to do harm to municipalities whose resources are meagre enough, and I would ask him not to deplete their resources completely. I therefore oppose the first reading of the bill.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support this bill, but I must admit at the same time that the honourable mover has made some confusion in framing the bill as regards the fixing of the minimum and maximum percentages. I think if only 6 per cent. letting-value is restored according to the old Act, this bill will do great benefit, but as stated by the Honourable the Minister for Local Self-Government, it would be very difficult for the chief officer to decide in which cases one-sixth would be the proper figure and in which cases one-tenth would be the proper figure. Except for this provision, I think the bill would be very useful. I support the bill in respect of the principle of one-sixth letting value. With these few remarks, I support the first reading of the bill.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I strongly oppose the first reading of this bill. This bill has a long history behind it. My honourable friend Mr. Swaminarayan quoted the instance of the Ahmedabad municipality, and stated that that municipality allowed a rebate of one-sixth. However, if the Ahmedabad municipality was the only municipality that should guide the discretion of this Council, perhaps he has made out a case for the bill. But as long as other municipalities exist, which have their own rules and estimates about the rebate that ought to be allowed, and which have their own idea of the income—and there are 157 municipalities in this presidency—I do not think an honourable member belonging to one municipality has the right to inflict his opinion on the other municipalities. Sir, when the Major Municipalities Bill was being discussed in the select committee, the whole of this question was closely examined by the select committee. It was in the select committee—I think its proceedings are no longer confidential because the

[Mr. B. G. Pahalajani]

bill has passed into law—that all these calculations were actually gone into. Section 154 of the Bombay City Municipal Act, which already existed, is a section that has never been departed from. It has always been admitted to be a sacred section. There were in the select committee engineers and Commissioners of separate divisions and men like Mr. Mountford, who had great experience of these municipalities, and after long discussion as regards the amount needed for repairs, we arrived at the definite conclusion that the figure 1/10th rebate fixed was the right figure, and that is the figure that exists in the Major Municipalities Act. Therefore, so far as the actual figures were concerned, they were considered in the select committee, the calculations were carefully gone into, and after considerable discussion it was finally agreed that a rebate of one-tenth of the total letting value was sufficient. Now, sub-section (2) of section 78, which is proposed to be amended reads :

“ In assessing a tax on buildings or lands, where the valuation determined under clause (d) of sub-section (1) of this section is the annual letting value, a sum equal to ten per centum of the said valuation shall be deducted therefrom in lieu of all allowance for repairs or on any other account whatsoever.”

Now, this sub-section (2) refers to a tax upon houses or lands, not according to their value, but it refers to what I may call the house tax levied on the rental of the houses. Now, in all municipalities, the letting value of houses occupied by the poorer people is taken at an extremely low figure. The figures of the rents earned however are ascertainable, and on that ascertainable figure the house tax according to this sub-section is levied, and if a rebate is allowed on the rents that the landlords earn, then it in no way affects the interests of the poorer people. There should be no attempt to make a distinction between the poor and the rich. This bill does not intend to grade the rebate on various amounts of house tax. This bill does not say that on Rs. 25 it should be one-sixth, on Rs. 50 it may be a little more, and on Rs. 100 still more. It does not grade the letting value. Now, Sir, I should like to bring to the notice of honourable members here that in every municipality there are Government buildings, in every municipality there are local board buildings, and in every municipality there are other official buildings occupied by public servants. Now, all the public buildings, including Government buildings are bound to pay house tax, and the rental value is determined by Government or by a special officer appointed for the purpose. The rental value is to be fixed by Government, and once the rental value is fixed, even Government and local board buildings have to pay the tax on that basis.

Now, Sir, what would be the result if you give the discretion to the municipalities to determine the rate of rebate ? We all know the working of municipalities, and the result will be that the benefit that will accrue most will be to the municipal councillors themselves. The municipal councillors in their own case will always reduce it to one-sixth because they can vote it down, and in the case of the poorer people, who have no voice in the municipality and who are not represented on the municipality, only one-tenth will be allowed as the rebate.

[Mr. B. G. Pahalajani]

The bill, as it stands, says "add the words 'according to the discretion of the municipal borough'." The discretion to make it one-sixth or one-tenth is given to the municipal borough, and if these words are added, there would be nothing in the wording of the section to prevent the municipality in fixing one-sixth for a new and influential man and one-tenth for the poor man. The result will be confusion; not only confusion but considerable favouring of municipal councillors, and not only favouring of the municipal councillors but the favouring of people who can influence the members of the municipality. If we introduce this amendment, the result will be extreme chaos. I could have easily understood it if the honourable member had introduced a uniform rate, say one-sixth, in all cases. But he says the discretion should be left to the municipal borough to fix any rate between one-sixth and one-tenth. Now, take the case of a municipality whose income on house tax is Rs. 60,000. The difference between one-sixth and one-tenth is one-fifteenth, that is to say, in the case of Rs. 60,000 house tax there will be a difference Rs. 4,000. By this method, there is an immediate reduction of Rs. 4,000. The result will be that the ordinary income of the municipality on which it lives, a direct tax like house tax, will be diminished, and in order to make up for it, indirect taxes must be increased. The octroi, which is a tax more upon the poorer population, and which is an indirect tax, will increase, and the result will be not, as my honourable friend supposes but it would involve disaster, more for the poor than for the rich. It is the rich that pay now; it will be the poor that will have to pay afterwards, if the bill is passed. I must therefore strongly oppose the first reading of the bill.

*(After recess)*

Mr. N. A. BECHAR (Karachi City): Sir, I am sorry that I have to differ from my honourable friend for Ahmedabad Rural. My honourable friend will reply to the objections raised by the Honourable the Minister for Local Self-Government and if the Honourable Minister has taken up the correct position in what he stated, then I am sorry that my honourable friend's zeal has outrun his discretion. I have the experience of municipal working as I have been a municipal councillor in the Karachi municipality for the last three elections and I know how landlords are clamouring to get more rebate from the municipality for the repairs, etc. We allow 10 per cent. for the purpose of repairs to these landlords and yet I know that they do not spend even this 10 per cent. which is allowed to them. When the new municipal bill came up for discussion they raised the same cry that the prices of materials had gone up and that they should be allowed a larger rebate. I want this House to understand whatever rebate the municipality may give towards repairs on the rental value of the House, all that will go to the benefit of the landlords. If the municipality allows one-sixth then also the poor tenants will not get the slightest benefit. The tenants have to pay the same rent and the landlords when once the larger rebate is made will argue that they are spending that much on the repairs of their buildings. The poor tenants



[Mr. N. A. Bechar]

will not get the slightest benefit while the landlords will get something more in the form of greater rebate and pay less tax. This is hardly desirable. The Karachi municipality and other municipalities are getting as tax less than what they require for the services they render and they have to meet the demands for a number of growing social services. The demands on the municipalities are much more than their finances would permit. The point that the tenants have to pay more is beside the point. They have to pay economic rent governing the laws of supply and demand. The honourable member cited the case of the Ahmedabad municipality. In the Ahmedabad city there is no Rent Act. If there had been Rent Act, then there would have been a possible reason for the landlords to recover the excess amount charged by the municipality under the Rent Act but as there is no Rent Act they will try to realise the utmost rents that the tenements can fetch. Therefore, one has hardly any relation with the other. This bill is thus unconsciously intended for the benefit of the rich landlords. Therefore, I would like to differ from him.

Mr. H. B. SHIVDASANI (Surat District): Sir, I rise to support the first reading of this bill. This bill merely gives a certain discretion to the local body concerned. The District Municipalities Act affects municipalities situated from the north of Sind to the South of Kanara. It covers a very wide area. It cannot be maintained that what is suitable for one municipal area will be suitable for another. Let each municipality be the judge of what rate will be suitable for its area. The bill does not lay down that the municipality shall make one-tenth or one-sixth rebate but it only gives the discretion to them. We know that the Honourable Minister for Local Self-Government always tries to give the fullest possible liberty to the local bodies. As some honourable members put it he gives a very long rope to every local body. The Ahmedabad municipality paid  $1\frac{1}{2}$  lakhs for paying the debts of national schools. Several honourable members approached the Honourable Minister to intervene but he refused to do so and said that that was not his business and that it was the business of the ratepayers to bring to book the municipality and the councillors. I ask him that if he is of that opinion what reason could he have to oppose this bill which merely gives discretion to the municipalities. Further I may point out that even in the case of big Government buildings the scale laid down for the repairs is much in excess of one-sixth which is the maximum proposed under this amending bill. Government make a provision of 1 per cent. of the capital outlay for ordinary repairs, and  $\frac{1}{2}$  per cent. for special repairs; that is, they make a provision of  $1\frac{1}{2}$  per cent. for repairs. And the rate which Government charge for their bungalows is 10 per cent. of the salary or  $6\frac{1}{2}$  per cent. on the capital outlay whichever is less. The rate is probably less now. Before the war the maximum rent used to be 5 per cent. of the capital outlay. During the last few years the rate of interest went up, and therefore the rate was increased. I do not know the exact rate at present, but it is not more than  $6\frac{1}{2}$  per cent. Government have *pucca* built bungalows for their officers and charge a rent of  $6\frac{1}{2}$  per cent., and

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allocate  $1\frac{1}{2}$  per cent. out of that for repairs that is one-fifth of the rental, for repairs. In some places some houses are very old, and everybody knows that the cost of repair of an old *kutchha* house is very much more than the cost of repairing well-built *pucca* houses. Let us take the concrete example of a room the rent of which is Rs. 2 per month. The total rent of that per year will be Rs. 24. Now, I ask, will not the landlord have to spend Rs. 4 per year for keeping that room in a state of repair. Tiles-turning, whitewashing and other work of ordinary and special repairs will cost him much more than Rs. 4 per year.

As a matter of fact, it is contended that this is a tax to benefit the landlords. My honourable friend Mr. Swaminarayan is not a landlord, and from what we have been able to see we can be sure that he is not likely to bring in a bill which will injure the poor man and benefit the landlord. Of course, if the landlord has to pay more taxes, though he may pay it directly, in the long run he will shift the burden on to the tenant. This is bound to happen. There are some taxes which cannot be shifted, but in several cases to some extent the landlord is bound to shift the tax on to the tenant. Therefore, taking into consideration the fact that even for *pucca* Government buildings Government find that they have to spend as much as one-fifth of the rental for repairs and also the fact that in the case of *kutchha* houses the cost of repairs is much more than the cost of repairs of *pucca* houses, there can be no doubt that in several municipal areas the cost of repairs of buildings will exceed one-tenth and may even exceed one-sixth of the annual rental. In the last floods several houses were washed away, and although their replacement now cannot be called a repair, in the long run the landlords will have to consider such special contingencies ; the foundations may settle down or the walls may crack and a wall or a roof may come down. That will come under special repairs. Repairs do not mean only tile-turning, white-washing and getting small things of that sort done. If you take 30 or 40 years, you will have to take into consideration special repairs which will have to be done. Ahmedabad is an old city, and several houses there are very old and *kutchha*, built not with lime but with mud. Therefore, it is possible that in some municipalities the cost of repairs may exceed one-sixth or may come up to one-sixth. (The Honourable Sir Ghulam Hussain : What about Bombay ?) Bombay is not an old city like Ahmedabad ; the buildings in Bombay are much more *pucca* ; you will scarcely find a house in Bombay that is built without lime ; you will not find a house built of mud in Bombay ; you will not find *kutchha* houses in Bombay. The cost of repairs for *kutchha* houses is much more than for *pucca* houses. Also the rents are much more in Bombay. Ten per cent. of the rent will represent a much higher amount in Bombay than 10 per cent. in Ahmedabad. Therefore, you have also to consider the scale of rents.

My point is why should you not give discretion to the representatives of the people to determine what would be the fair allowance to make ? Why should you lay down a flat rate which is not likely to be equally suitable for all the municipalities coming within the scope of the Major

[Mr. H. B. Shivdasani]

Municipalities Act? The argument which the Honourable Minister for Local Self-Government advanced was that we cannot trust the representatives of the people; that it would convert municipalities into a hot bed of intrigue and corruption. I do not see why he should be afraid of this. He is in favour of giving them the longest possible rope; he is in favour of letting them commit mistakes and learn by committing mistakes; he has often said that.....

The Honourable Sir GHULAM HUSSAIN: (Made some remarks which were inaudible).

Mr. H. B. SHIVDASANI: If they want more income, they can introduce further taxation. It is open to them to raise the rate of taxation. There are several ways of raising revenue for a municipality. If a municipality is convinced that the cost of repairs does actually come to one-sixth, is it right that the municipality should allow only one-tenth? That is the position which I am taking up. Why should we refuse to make an allowance for repairs, which from our knowledge and experience we find to be the actual cost the landlord has to incur? Why should we not make an allowance for an amount which we actually find that he has to spend? If the Honourable the Minister for Local Self-Government really thinks that even in a small matter like this he cannot trust the municipalities, that they will be open to intrigue and corruption, I think it is time that he should amend the original Act and give them less powers in matters of taxation, etc. If he thinks that he cannot trust the municipalities to exercise their discretion properly in the matter of making allowances in respect of the payment of this taxation, I think he is not altogether consistent. On the one hand he thinks that they are quite competent to safeguard the interests of the tax-payers, to distribute the burden of taxation fairly and evenly; on the other hand he says that they cannot even be trusted to deal fairly in the matter of the allocation of a small tax like this. With these words I support this bill.

Mr. H. DOW: Sir, I rise to oppose the first reading of this bill. I have always regarded the honourable member for Ahmedabad, Mr. Swaminarayan, as the Marie Stopes of the Legislative Council. During the time when Government business was on, it was always he who was ready to tell us how the Council could get into the very closest contact with a subject, and could even live with a problem for years and years and still produce nothing. And one might have expected that such a master of contraceptive methods, when he came at last to be the parent of bills, would produce good healthy ones. We have had his Talukdars Bill, and now we have the present bill. In the first he was most anxious to conciliate opposing interests, the interests of the tenants and the talukdars. He professed to be looking after the interests of the tenants but I think most members of this House could see that his bill was designed mainly in the interests of the talukdars. Similarly this bill professes to be in the interests of poor tenants, but it is quite obviously designed to help the landlords.

[Mr. H. Dow]

From looking in these two opposite directions, both his children have developed most terrible squints. The Council did not allow the first to live and I do not think the Council will allow the second a better fate.

The honourable member, I understand, was a professor of mathematics, and in trying to show us that this bill would alleviate the lot of the poor, he took care to choose his figure very carefully. He said that if a poor tenant's rent was Rs. 2 per month, the annual rent would be Rs. 24. If you deduct one-sixth, such a house would be exempt from taxation. Now, Sir, all this is perfectly true, but if the rent selected for illustration had been Rs. 2.2 or Rs. 2.4, then this bill would fail to have any effect on the tax paid. Whatever the figure is, whether it is one-sixth or one-tenth, it must be perfectly obvious to every member that there will be a certain number of cases which will come just above or just below a particular classification. Moreover it is at the option of the municipality to get rid of this particular difficulty by making its schedules instead of in twenties, rise by thirteens or forties of rupees. So everything depends upon the particular figure which the honourable member chooses to bring forward to illustrate his point.

Mr. J. C. SWAMINARAYAN : I was speaking of the classification which exists.

Mr. H. DOW : Exactly. I say nothing about the choice of classification, but I say that the choice of illustration was not happy. If you take the illustration of a man who pays Rs. 3 instead of Rs. 2, then this bill will make absolutely no difference. The illustration was carefully chosen to fit the honourable member's point.

I think the only real argument that he could have brought forward would have been to say that the income of the municipality is at present greater than is necessary. Then, Sir, I submit a bill which would reduce that income might be justified. Now if the income of the municipality is not too great, presumably the reduced income which this bill would lead to, would have to be increased either by the amendment of the schedule of the house tax, or it would be necessary to replace it by other taxation. Now, I am not aware that the income of the Ahmedabad municipality is too great, nor do I think that this bill would be popular if it were coupled with a revision of the schedule house tax which led to the same total tax being collected.

Sir, it has been said by the honourable member that this bill is in the interests of the poor. Now, I do not think it is. The schedule is not a graduated one, like the income-tax. In the English income-tax or the Indian income-tax, for example, we are familiar with the principle by which a man with a smaller income pays income-tax at a lower rate, and a man with a higher income not only pays a larger income tax but pays it at a higher rate. If the Ahmedabad municipality or any other municipality wants to give relief to its poor tenants, I would like to suggest that the best way to do it is to graduate their house tax scale so that they may relieve from house tax altogether those people at the bottom of the scale. They might have a scale of tax rising in incidence as the house rises either

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in capital or rental value. Some 10 years ago I was Municipal Commissioner of the city of Surat. The city of Surat has a house tax which is not based on rental value, but is based on the capital value, and the municipality used to exempt—I believe they still do—the taxation altogether on a house the rental value of which was less than Rs. 500. There was a graduated house tax according as the house rose in value; and for each Rs. 500 or Rs. 1,000 that the house rose in value, there was a different rate of tax. But, Sir, I regret to have to say that the tax was graduated in the wrong way, so that people at the bottom paid a higher rate of tax than people at the top. Now, Sir, I thought that was a wrong principle and when I was municipal commissioner, as I knew that there were a number of councillors who professed sympathy with the poor, I put up a scheme for revising this house tax. I did not want to raise more money, because I thought that that would lead to opposition, and I was anxious not to provoke opposition. But I brought forward a schedule which, while bringing in the same amount, instead of graduating the house tax against the interests of the poor imposed a flat rate. By the imposition of a flat rate, I showed that all taxation on houses up to the value of Rs. 1,000 instead of Rs. 500 might be altogether remitted. That scheme was not then acceptable to the municipal council. I am prepared to believe that some such scheme might now be acceptable to the Surat municipality and even to other municipalities in Gujarat. As the bill stands it is quite obviously not in the interests of the poor, but it is in the interests of the rich.

There is one other point which was partially made by the honourable member from Sukkur. I think it is an important one. The matter has been under discussion in the past in other municipalities also. I think I am right in saying that the Karachi municipality considered this question not very long ago, and they definitely came to the decision that they did not want the one-sixth rebate, but preferred the one-tenth. It is a matter, Sir, which I think ought not to be altered before consulting other municipalities. On these grounds I oppose the first reading of this bill.

Mr. N. B. CHANDRACHUD (Poona City): Sir, I rise to oppose the first reading of this bill. I have tried to follow the honourable mover in his argument as to how this bill, even if it is passed, will assist the poor tenants. But I regret to say that I was not satisfied that this bill, even if it is passed into law, will assist the poor tenants. Sir, I have had some experience in assessment matters and also revision of assessment. I may tell you plainly that my experience in these matters is not gratifying. The landlords, to say the least, are not fair to the municipality; they do not think it below their honour or dignity to mislead the municipality by giving them incorrect figures. They do not think it to be a sin to mislead the municipality by giving them incorrect figures. If the rent is only Rs. 10 they take a rent note for Rs. 5 and it is a sight to see the landlord and the tenant quarrelling, the landlord saying that the rent is only Rs. 5 and the tenant saying "I am paying Rs. 10 as rent."

[Mr. N. B. Chandrachud]

Sometimes *pagdi* is taken—an advance amount from the tenant—so that the municipality may not be in a position to assess and tax that income. These are the precautions of the landlords and as I told you my experience is not very gratifying. As the municipality increases the assessment by Rs. 5 or Rs. 10, the landlord tries to exact from each tenant Rs. 5. As a matter of fact it becomes a race between the landlord and the tenant on the one hand and the municipality on the other. Besides, Sir, under the rules framed by the municipality the poor are exempted from the assessment. I do not know what the practice is in Bombay, but I think the practice in the Poona municipality—and I take it the practice in other municipalities also is the same—is that certain buildings the rental of which does not exceed Rs. 20 are exempted from assessment. So, the buildings of the poor are exempted from assessment. Charitable buildings are exempted, mosques, temples and schools are also exempted from assessment. So, there is no reason to fear that any undue assessment is exacted from the poor landlord.

Now, there is also another point. This Act was passed in June 1926. My honourable friend had a hand in passing this legislation. Now, is it fair to this House, is it consistent with the dignity of this House, that within one year of its passing an Act we should try to introduce amendments and changes in it? Now, in the select committee also the consensus of opinion was that deduction may be made to the extent of one-tenth only. Now, hardly a year has elapsed, and my honourable friend wants to move an amendment to reduce one-tenth to one-sixth. So, it is not very fair to this House that an amendment should be brought in so early. There is also a third argument. Supposing even exemption to the extent of one-sixth had been given, will it benefit the tenants? I do not think so. The landlord will pocket it. As it is, and from my experience of Poona I may tell you that even one-tenth is not spent on repairs in the mofussil. The only repairs the landlord does is very little. He does absolutely nothing besides tile-turning. My honourable friends who live in Poona cantonments must be knowing. Letters after letters are to be sent to the landlord. The landlord becomes awake. He orders some tile-turning. I think for repairs one-tenth is necessary, and not more than one-tenth is required. I was surprised to hear from my honourable friend Mr. Shivdasani that supposing a wall comes down, the landlord will require to build a new wall or to add a new storey. Then, to that my reply would be "You cannot call that 'repairs'." Those repairs are extraordinary repairs. The law has made a distinction between ordinary repairs and extraordinary repairs. Building a wall and adding a storey are extraordinary repairs, and the municipality cannot be expected to give any allowance for such repairs. Ordinary repairs, such as tile-turning white-washing or paving, are the repairs which the municipality is to take into account. If the landlord builds a wall, it will make his property stronger. But that is no argument why the municipality should give him credit for that. So, my submission is that the bill will not in any way give any relief to the poor tenants. The landlords will pocket it. As it is, the landlords are not fair to the municipality, and the

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municipality does not realise the full amount of assessment. The municipality loses not only on account of the tricks of the landlords, but on account of the pliant nature of the municipal commissioners. Last year we had a municipal commissioner as a revising officer. I was really surprised to hear that he reduced the assessment by Rs. 10,000 or Rs. 20,000 of one ward only, and the matter was so scandalous that Government auditor had to intervene and had to call the attention of the municipality to the scandalous state of things. I do not think the municipality does recover the full amount of assessment that is due from the landlords. So, as it is, there is no necessity of amending the law and I, therefore, oppose the bill.

Mr. V. N. JOG (Dharwar District): Sir, I rise to support the first reading of this bill. Those who have opposed the first reading of this bill think that all the municipal boroughs are towns like Ahmedabād, Surat, Poona or Karachi. They forget that there are also Belgaums, Dharwars, and so on, where not only landlords live, but small owners live, and if this amendment is not accepted, I think, Sir, it will be a hardship on the small owners who live in small towns which have now been raised to boroughs under the Major Municipalities Act. It has been said, Sir, that this bill is not in the interests of the poor persons. I beg to submit, Sir, that there is a fallacy that lies at the bottom of this. There are many small owners. If you take an instance like Dharwar, more than 50 per cent. are owners of small houses. They do not let their houses, as my honourable friend Mr. Shivdasani has pointed out. Suppose there is a house which fetches, if we calculate it in the terms of the rent, only Rs. 2 per month, because the definition which has been in the section is of only letting value and does not actually say the rent which is recovered or realised but the word is "letting value," or the amount for which it might reasonably be expected to let from year to year. Here in this case the municipalities are assessing the letting value on the strength of certain houses which have been let. But that analogy would not be applicable to houses where the owners themselves live. And is it possible, Sir, that though the owner does not let the house and we suppose that he gets a rent of Rs. 36, that the house repairs should only amount to Rs. 3-8-0 or something like that? There is tile-turning, white-washing, and so on, and that man has to do all that. So, I submit that the persons who are considering from the point of view of big towns like Ahmedabad, Poona, Surat and Karachi, should not think that there are no towns which have not developed to that extent, and therefore, the principle of the bill, which does not make it obligatory that it should be 1/10th or 1/6th, is sound. It gives two points—one is that if the municipal borough thinks that their houses are mostly occupied by tenants, then that entails the first limit. And if the municipal borough comes to the conclusion that the majority of the houses are in the occupation of the owners themselves they can take the larger limit. A reference was made to the income-tax where there was a sliding scale and not a flat scale. But even in that case I may

[Mr. V. N. Jog]

point out that when they assess the income for income-tax, they have taken 1/6th. They deduct under the Income Tax Act 1/6th for repairs and other charges. So, I submit, Sir, that there is nothing wrong in the principle of this bill, which gives two points to the municipality. According to the circumstances all the municipal boroughs may, by their rules or law, admit 1/10th or 1/6th. With these remarks I beg to submit that the bill is really in the interests of poor owners and should be accepted.

Rao Bahadur R. R. KALE (Satala District) : Sir, I wish to oppose this bill on the broad ground of principle. It seems to me that when amendments in Acts which affect municipalities or local boards are concerned, it is the duty of the honourable member wishing to make the amendments to ascertain the opinions of the various municipalities in the Presidency. In fact this procedure is adopted by Government when they try to amend any Acts. We have listened to the different experiences of several honourable members and we have seen how divergent are the views on a subject like this. I had been a member of Satala municipality for seventeen years and I must admit that my experience in regard to the house tax is very sad. I am in favour of a rigid rule. I have great respect for my honourable friend Mr. Jog, but I feel that if discretion is given in the matter of taxation or reduction of taxation, it is liable to be exercised too much in favour of the inhabitants and too little in favour of the interests of the municipalities. That is my experience. I do not wish to say more on this point.

My honourable friend the mover has brought in amending bills after bills, but I ask him whether he has ascertained the opinions of the various municipalities in the presidency, and if the majority of the municipalities are in favour of the principle of his bill, then it will be time for this House to consider what should be done, but in the absence of any data in that respect, I do not feel justified in voting for his bill. His individual experience may be different from mine or from anybody else's but I feel strongly that in a matter of this kind we must find out what the majority of the municipalities want. As that has not been done in this case, I do not think the House will be well advised in passing the first reading of the bill.

Rao Bahadur S. N. ANGADI (Belgaum District) : Sir, I rise to support the first reading of the bill. My honourable friend Mr. Jog has already pointed out that in the case of towns like Belgaum, Dharwar and so on, more than fifty per cent. of the people are owners of small houses and if the principle of the bill were accepted, it would work in the interests of such owners. I have to make this speech in order to corroborate the evidence of my honourable friend Mr. Jog, so that his testimony may stand good.

My honourable friend Rao Bahadur Kale was afraid that the effect of acceptance of the principle underlying this bill would be to sacrifice the interests of the municipalities to the interests of the



[Rao Bahadur S. N. Angadi]

rate-payers. There is no logic in this argument. I do not see why my honourable friend Rao Bahadur Kale should try to separate the two interests—the interests of the municipalities and the interests of the inhabitants—both of which are quite identical.

Mr. SHAIKH ABDUL AZIZ ABDUL LATIF (Central Division) : I rise to oppose the bill and in doing so, I am in full agreement with what fell from the honourable member Rao Bahadur Kale in regard to his experiences of Satara municipality. I know that in the case of owners of houses who live in their own houses, a special concession of about 25 per cent. is usually given. The points mentioned by my honourable friend Rao Bahadur Kale are worth considering and therefore I oppose the first reading of this bill.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, as I pointed out in the beginning, the change in the rebate presses very heavily on the poor homeowners. In Ahmedabad no exception is made and therefore a man whose rent is two rupees has to pay the double tax. The system that obtains in Ahmedabad is that the houseowner rents his house to a tenant and the rent-note contains a stipulation that over and above the rent the tenant will pay all the municipal taxes. As soon as the municipal bill is received, the owner shows it to his tenant who pays it. The board of the Ahmedabad municipality passed a resolution on the strength of which I brought in this bill. As a resident of Ahmedabad I must carry out their behest and take care of the interests of the Ahmedabad municipality, and, if there is any injustice done to the inhabitants of Ahmedabad, I feel it my bounden duty to come here and try to get that injustice removed. By my bill I seek to give nothing more than discretion to the municipalities. The Ahmedabad municipality had in fact passed a resolution in November 1926 and applied to Government in this matter but I do not know what reply Government gave to them. I did not bring this bill of my own initiative.

My honourable friend Mr. Pahalajani says that if this bill is passed, his municipality will suffer. I do not wish to harm his municipality. My bill would only be a permissive measure and not at all obligatory. As I have already stated, even the income-tax authorities give one-sixth rebate. There is no reason why this discretion should not be given to the municipalities. I wish to remove the gross iniquity which now obtains as between poor people and rich people.

The District Municipal Act gives such a discretion and therefore I do not see any reason why the city municipalities should not enjoy a similar discretion.

I have pointed out that the poorer people are pressed much harder, and therefore in the interests of the poor people who live in Ahmedabad, I have brought this bill and I hope the House will pass its first reading.

Mr. N. A. BECHAR : On a point of information. The honourable member stated that the income-tax authorities allow one-sixth. I want to know from him whether that one-sixth represents the municipal taxes as well as the repairs or only the repairs.

Mr. J. C. SWAMINARAYAN : Only one-sixth rebate is given.

The Honourable Sir GHULAM HUSSAIN : Mr. President, as Minister for all the municipalities of this presidency, I find from the speeches of several honourable members who are connected with several important municipalities that their behest to me is to oppose this bill. Therefore I oppose this bill, just as my honourable friend says he is carrying out the behest of the Ahmedabad municipality in bringing forward this bill.

Mr. B. G. PAHALAJANI : He is no longer a member of that body.

The Honourable Sir GHULAM HUSSAIN : Now, Sir, my honourable friend is very fond of confusing the issue. If he reads section 78 (2), he will find that it lays down that in assessing a tax on buildings or lands on annual letting value, the municipality may allow 10 per cent. rebate for repairs. But it does not say that it is absolutely necessary for every municipality to tax every house, even a hut or a cottage. If my honourable friend wants to see that the poor people are exempted, he ought to go back to the municipality and ask them to exempt all the houses whose rental value is Rs. 5 a month or Rs. 10 a month, and they can do it without this amending bill. Therefore, I have become a little suspicious that the bill is in the interests of the landlords and no one else. If the honourable mover thinks that he is carrying out the behests of the Ahmedabad municipality, I would advise him to go to them and tell them that they have the authority, under the law, to exempt every poor man from this house tax. The municipality has full authority and liberty to do so. They can exempt the man who pays Rs. 20 if they choose to do so. So, the proper remedy for the honourable mover is to go back to the municipality and tell them to exempt the poor people. So, the argument that the poor would suffer does not stand. He can get them exempted by asking the municipality to let them alone.

I may bring to the notice of this House that this bill does not affect Government adversely. On the contrary, if this bill is passed into law, the Government will gain thousands of rupees. Should I support the bill in the interests of Government and against the interests of municipalities, being Minister in charge of Local Self-Government?

Mr. V. N. JOG : On a point of information, are there not municipalities who have exempted Government buildings from house tax ? There are many.

The Honourable Sir GHULAM HUSSAIN : I refer the honourable member to the Act.

Mr. V. N. JOG : Government buildings are given exemption.

The Honourable Sir GHULAM HUSSAIN : Read the Act which is going to be amended. What are we discussing ? I may remind my honourable friend of the man who, after hearing the whole story of Leila and Majnun, asked what they were to each other. We are discussing the application of the section to all the city municipalities, and yet my honourable friend gets up and says that many municipalities do not levy any tax on Government buildings.

[Sir Ghulam Hussain]

The next point is that, as the bill confers the discretion on the municipalities, honourable members who are connected with the municipalities have given expression to the view that it will lead to favouritism and corruption. Why should we disturb the peace of the municipalities? And then, what will be the effect? If you leave this discretion to them, it will become the rule. We already know that the resources of municipalities are depleted, and I pity the Ahmedabad municipality. Every morning, in this House, I am flooded with half a dozen questions regarding grants for water-supply, grants for drainage schemes, and grants for other purposes, for the Ahmedabad municipality, and yet here is my honourable friend who, in the interests of the Ahmedabad municipality, wants to decrease their revenues. If we accept this bill, as I already told the honourable mover, it will in no way benefit the poor; on the contrary, it will benefit the rich. Then, what will the municipality do in order to replace the revenues which they have lost? As is usual with the municipalities, they will never touch the rich; they will avoid increasing the house tax; they will increase the octroi duties, which is an indirect tax paid by the poor. I may remind my honourable friend that he is not the only honourable member who is solicitous of the interests of the poor; there are others also in this House who have the same object in view. But this bill is in no way in the interests of the poor. If it is passed into law, I am afraid the poor will be burdened with extra taxes in the shape of octroi duties. With these words, I hope the House will throw out this bill.

Question put. House divided. Ayes 6 : Noes 39. Motion lost.  
*Division No. 15.*

**Ayes**

AMIN, Mr. H. J.  
 ANGADI, Rao Bahadur S. N.  
 JOG, Mr. V. N.

KARKI, Mr. M. D.  
 SARDESAI, Mr. S. A.  
 SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes :* Mr. J. C. SWAMINARAYAN and Mr. V. N. JOG.

**Noes**

ABDUL LATIF, HAJI HAJRAT KHAN, Khan Sahab  
 AMBEDKAR, Dr. B. R.  
 ANDERSON, Mr. F. G. H.  
 ANDREW, Mr. T. A.  
 BALAK RAM, Mr.  
 CHANDRACHUD, Mr. N. B.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DOW, Mr. H.  
 FREKE, Mr. C. G.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir GHULAM NABI SHAH, Khan Bahadur HATCH, Mr. G. W.  
 JAIRAMDAS DOULATRAM, Mr.  
 JEHANGIR, the Honourable Sir COWASJI JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.

LALJI NARANJI, Mr.  
 MARTIN, Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 POOLEY, Mr. C. B.  
 PRADHAN, the Honourable Mr. G. B.  
 RIEU, the Honourable Mr. J. L.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SMART, Mr. W. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 TURNER, Mr. C. W. A.  
 WEBB, Mr. M.  
 WILES, Mr. G.

*Tellers for the Noes :* Mr. N. B. CHANDRACHUD and Mr. SHAIKH ABDUL AZIZ ABDUL LATIF.

The Honourable the PRESIDENT : Under the circumstances I may ask the honourable member with good reason as to whether he was justified in asking for a division. It has cost the House some valuable time.

**BILL No. XXXIV OF 1927 (A BILL FURTHER TO AMEND THE CITY MUNICIPALITIES ACT, XVIII OF 1925)**

*(Motion for first reading)*

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I move the first reading of this bill. . . . .

The Honourable the PRESIDENT : The honourable member has to introduce the bill first.

Mr. B. G. PAHALAJANI : I introduce Bill\* No. XXXIV of 1927 (A Bill further to amend the Bombay City Municipalities Act, XVIII of 1925).

The Honourable the PRESIDENT : The bill is introduced.

Mr. B. G. PAHALAJANI : Sir, I move the first reading of Bill No. XXXIV of 1927. I have obtained the permission of His Excellency the Governor to publish this Bill ; and therefore, this bill has been put down for first reading. The urgent necessity for this bill is this. In the original Act Government assumed no power to extend the term of municipalities whose election had not taken place. Section 25 of that Act made provision giving power to Government to extend the term of municipalities whose elections had to take place after the passing of this bill and under the new Act. Hence the necessity for this amending bill. . . .

Mr. N. A. BECHAR : We do not follow either the head or tail of what the honourable member says.

The Honourable the PRESIDENT : What is it ?

Mr. N. A. BECHAR : We are not following what the honourable member says.

✓ Mr. B. G. PAHALAJANI : I will turn that side.

Act XVIII of 1925 was passed and received the sanction of the Governor General on 8th June 1926. Section 25 of that Act made provision giving power to Government to extend the term of municipalities whose elections were to be held under the new Act. Then, Sir, it made no provision for those bodies which had been elected under the old Act but whose term has not expired. In January 1927 the Government brought in an amending bill by which they added to sub-section (1) of section 24—

“ Provided that Government may, by a notification in the *Bombay Government Gazette* and subject to the other provisions of this Act, extend the term of office of any municipality for a period up to a date not later than the thirty-first day of December 1927.”

So that, in February 1927 they assumed the power of extending the period of municipalities up to 31st December 1927. But that did not take into consideration the case of municipalities whose term had to expire after

[Mr. B. G. Pahalajani]

the month of December 1927. For instance, there is the Sukkur municipality which was constituted in 1925 and whose natural term expires after 31st December 1927, and to which no provision for extension will apply. By that same bill, they enacted—

"Any municipality of a municipal borough included in schedule I which has not been constituted in accordance with the provisions of this Act and the rules made thereunder shall, save where it is otherwise provided in this Act, be deemed not to have been duly constituted and its members, both elected and nominated, shall be deemed not to have been duly elected and nominated."

According to the new Act, elections after 1926 can only be held under the rules framed under the new Act, and no relaxation can be made in favour of any municipality. Government asked the municipalities to frame rules and submit them to Government by the 30th April 1927. Many municipalities have done so, and the Sukkur municipality has done so too. But these rules will be slow to come into operation. Section 221 says :

"All rules made by the Government or the Commissioner under this Act shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof, and shall be liable to be rescinded or modified by a resolution of the said Council tabled at its next session."

Therefore, these rules have to be placed on the Council table, and Government have not been able to place them at this session. Before these rules finally come into force it will take another two or three months to frame the roll and it will not be possible for the Sukkur municipality to hold its general election before the 31st December 1927. Therefore, the municipality will come to a deadlock. We have also one or two other municipalities in Sind similarly situated. This bill is only intended to give power to Government to extend the period of such municipalities whose election will be held by the 31st of December 1927, up to 31st December 1928. By that time the new rules will have been framed. It is only to remove a deadlock that this bill has been brought in. His Excellency has been pleased to permit me to get it published in the *Government Gazette*. It is a non-contentious bill, and I place it before the Council for the first reading.

Question proposed.

The Honourable Sir GHULAM HUSSAIN : Sir, I support the bill.

MOULVI RAFIUDDIN AHMAD : Sir, if further support is necessary, I also support it.

Mr. J. C. SWAMINARAYAN : Sir, if the second reading is to come now, I shall have to move an amendment. I want to add at the end of "1928" in clause 2 : "Provided that before such order of extension is made Government shall invite and consider the objections, if any, of the rate-payers of the borough concerned."

The Honourable the PRESIDENT : That could be moved at the second reading.

The Honourable Sir GHULAM HUSSAIN : Sir, I may inform the honourable member that there is no sense in his amendment.

The Honourable the PRESIDENT: Will the honourable member move it at the second reading?

Mr. J. C. SWAMINARAYAN: I will move it just now.

The Honourable the PRESIDENT: It cannot be moved now. How is it an amendment of principle?

Question put that the bill be read for the first time and carried.

Mr. B. G. PAHALAJANI: Sir, I beg special permission of the President, in view of the urgency of the bill, to move the second reading of the bill at once.

The Honourable the PRESIDENT: Yes.

Mr. B. G. PAHALAJANI: Then, I move for the second reading of the bill that Bill No. XXXIV be read for the second time.

Second reading. Question put and carried.

*Bill read clause by clause*

*Clause 2.*

In the proviso (a) to section 24, substitute "1928" for "1927."

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I move: that at the end of proviso (a) to section 24, the following be added:

"Provided that before such an order of extension is made Government shall invite and consider the objections, if any; from the rate-payers of the municipal borough concerned."

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): I rise to object to this amendment as it is beyond the scope of the section 25.

The Honourable the PRESIDENT: I should like to know how it is beyond the scope of the section 25.

Mr. B. G. PAHALAJANI: Section 24, as it originally stood refers to nothing but an extension. Even section 24A added by Bill I of 1927 enabled Government to extend period in certain cases up to December 1927. Now this bill is only intended to convert the 1927 into 1928. The elongation of the period is therefore the scope of the bill. If you will please refer to section 25, it reads as follows:—

"Provided before such an order is made Government shall invite and consider the objections from the voters.....of the borough concerned."

If the amendment proposed is sought to be made to section 25, it will be in order. But section 24 contains only the elongation of the period and does not refer to the conditions which should be applied. Therefore I contend that the amendment is beyond the scope of the section, which is sought to be amended.

The Honourable the PRESIDENT: There is considerable force in what the honourable member Mr. Pahalajani says as against the amendment. On the other hand, if I remember right, if the House is possessed of a section which is sought to be amended by a certain bill, then it is within the power of any honourable member to move an amendment further to amend the original section, and this amendment,

[The President]

as I understand it, is quite logical. When the period is extended, it means a certain privilege and the honourable member who moves this amendment wishes to limit that privilege under certain conditions. I think, therefore, the amendment is in order.

Mr. J. C. SWAMINARAYAN : Sir, the object with which I move this amendment is this. This additional power of making extensions may be given to Government but it must not be a blank cheque. There must be a check on it. Just now the additional power was given up to the 31st December 1927. When the bill was moved in this House we were told, just as the honourable member Mr. Pahalajani now tells us, that it is brought forward only for the purpose of removing technical difficulties that may come in the way of holding the elections of the municipality. Sir, in Ahmedabad two extensions were given. At the time of the first extension Government had invited objections and after considering the objections they decided in any way they liked. But at least they invited objections in the month of October of the last year and after these objections were considered, Government decided on the matter. Afterwards the list of voters was ready and all the preliminary precautions were gone through. There was no technical objection in holding the elections on May 31st and at that time when there was no technical objection Government extended the period for four months up to October 15th in the case of the Ahmedabad municipality without ascertaining the wishes of the voters. The spirit of the Act wants that the voters should be consulted and their views ascertained as to whether an extension is necessary. We did not object to this provision when it was inserted as we were told by the Honourable the Education Minister that it was only to remove technical objections. We never thought that this power would have been used in the light way in which it was used afterwards. This additional power of further extensions without any conditions or control will be a dangerous weapon in the hands of Government. Secondly I wish to state that even in the matter of these extensions Government may be required to consult the voters otherwise the authorities of the municipality may make a common cause with Government and then the Government will utilise this additional power for the purpose of giving an extension to the municipality when they require it. Therefore, it is necessary that there should be some condition attached to it similar to the one in section 25 and if this additional power is to be given, then let this proviso be also added :

“ Before such an order of extension is made Government shall invite and consider the objections, if any, of the rate-payers of the borough concerned.”

The Honourable Sir GHULAM HUSSAIN : Sir, I oppose the amendment. The amendment proposes that Government should give such extensions after consulting the rate-payers, according to the honourable member. Now, the object of the amending bill is to remove deadlocks in one or two municipalities. Suppose we accept this amendment and the rate-payers on whom my honourable friend relies are opposed to the extension, then the deadlock will continue and the municipality will be

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defunct. In fact, the amendment is absurd. Again, if we look at the amendment from another point of view, it will be found to be equally impracticable. The honourable member says that objections of the rate-payers should be invited. But he forgets that there are people who occupy, as owners or tenants, houses the rental value of which is rupee one and are voters. He excludes those people. He says "Do not consult the voters; consult only the rate-payers." Another absurdity of his amendment. If he means that the objections of the voters should be invited, then he made a mistake in using the word "rate-payers." Then, too, his amendment is absurd. The reason why my honourable friend has moved this amendment is to give an extension to the municipality to enable it to prepare the electoral roll. How can you possibly consult the voters? The municipality are in possession of the old electoral rolls. The new ones are not ready; they have not prepared them yet. The amendment is absurd, Sir, on the face of it. It frustrates the very object for which the bill has been brought.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support the amendment moved by my honourable friend from Ahmedabad rural. Sir, I think it is the Major Municipalities Act which applies to all these municipalities. The Ahmedabad municipality prepared its rolls and rules in time in order to carry on its elections, although I am told a few extensions are given. But I fail to understand why the Sukkur municipality was so remiss in either submitting the rules required by Government in time in order to be able to hold their elections when the life of the municipality would expire or why the election rolls were not ready. Sir, this House does not exist to facilitate the Sukkur municipality and other municipalities for the indifference that they may have shown to carry out their duties. Sir, the honourable mover of the bill did not tell the House, or, at any rate, he did not find it convenient to inform the House as to when the rules required by the Government were actually submitted to Government. It is said, Sir, that by April 1927 the rules had to be submitted, and I want to know whether the rules were submitted in time or whether on account of the red-tapism in the Secretariat all this delay took place or whether the municipality itself took such a long time. If it is the municipality which took a long time, then the mover of the bill is merely utilising his position as a member of this House to simply take our time and benefit himself. We have had enough of these tactics in this House and we know that the municipalities on one pretext or another want to have extensions, and I do not think it is proper or in the fitness of things that we should go on becoming a party to this sort of thing. Then, what has been said? If the Honourable Minister for Local Self-Government thinks it is not possible to consult the voters or that the consultation is restricted to mere rate-payers, it is for him to suggest an amendment to the amendment in order to make it workable. But merely to oppose it is to really burke the issue. I do not want that these issues should be avoided like this, and I want, Sir, that either the municipalities concerned ought to be consulted as to whether they want the extension or the rate-payers or the public in the municipalities



[Mr. N. A. Bechar]

concerned should be consulted. I find, Sir, that this is the first bill coming from the honourable the leader of the so-called Coalition Nationalist Party which has been accepted by the Government, and, Sir, as Dicey lays down in his "Law of Constitution" he finely analyses that only when Governments show some willingness to accept some legislative measures from private members, there can be any chance of it being carried. And we have seen, Sir, how the bills which were moved and intended to popularise and democratise the municipalities were simply thrown out by the help of the strength of this side (Government benches) and that side (pointing to some of the non-official benches).....

The Honourable the PRESIDENT: I should warn the honourable member at this proper moment that he should not digress into a broader issue.

Mr. N. A. BECHAR: I bow to your decision, Sir, but I do mean to state, Sir, that when the honourable member chooses certain things either on the Government side or on the other side and chooses to bring bills and to make.....

Mr. B. G. PAHALAJANI: I certainly object to this kind of criticism.

The Honourable the PRESIDENT: Yes; all that is foreign.

Mr. N. A. BECHAR: At any rate, Sir, I do insist that for the sake of Sukkur municipality we should not be made a pawn in this small game. I do not see, Sir, that the municipality or the people concerned had any opportunity of expressing their views on the bill. We have heard for the first time here that this bill is going to be passed in its second and third reading also in half an hour in this Council. Sir, this is not the way to tie the people's hands, and I do think, Sir, that the amendment moved by my honourable friend is quite reasonable that the people should be consulted before extensions are given to municipalities, or, if it is not possible or agreeable to the Honourable Minister for Local Self-Government, I think we ought to postpone this matter to the next session. In the meantime the opinions of the bodies concerned should be invited whether they agree to this bill.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am very sorry that the Honourable Minister for Education, who introduced the amending bill in the month of March, has not got up and opened his lips. At that time we were given to understand that only for technical irregularities extension shall be given under this section. But, unfortunately, in Ahmedabad municipality rules were made and the list of voters was ready and every technical formality was gone through, but still the extension was given. Therefore, this power is likely to be used light-heartedly by Government. Therefore, I want only a provision similar to the provision in section 25 of the Act to be tacked on to this amendment. The additional power may be given up to 31st December 1928, but only if he adds a proviso.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am not surprised at the personal insinuations made in this Council on the moving of this

[Mr. B. G. Pahalajani]

very urgent and harmless bill. If the honourable member from Karachi wanted to take this opportunity, because I happen to be the president of the Sukkur municipality, of bringing forward the whole.....

Mr. J. C. SWAMINARAYAN : I rise to a point of order, Sir. Is the honourable member speaking on the amendment ?

The Honourable the PRESIDENT : Order, order. I think the honourable member is right in drawing my attention to the point. I draw the attention of the honourable members to Standing Order V (9) (3) which reads as under :—

“The mover of a motion, but not the mover of an amendment other than an amendment of a Bill or of the Standing Orders, may speak a second time on the conclusion of the debate by way of reply ; and if such motion is moved by a non-official Member, the Member of the Government in charge of the Department concerned shall have the right of speaking after the mover has replied whether such member of Government has previously spoken in the debate or not.”

Unless I am shown anything to the contrary, I will call upon the Honourable the Minister for Local Self-Government to reply.

The Honourable Sir GHULAM HUSSAIN : Sir, there has been no collusion between the Government and the honourable leader of the Coalition Nationalist Party in this matter. The bill has been moved by the president of the Sukkur municipality, who is a responsible member of this House, and we know that unless this extension is granted to them, the Sukkur municipality and the Shikarpur municipality will come to a stand-still, there will be a deadlock, the doors will be closed, and then my honourable friends will blame Government and say “these autocrats do not want local self-government institutions to be run by the people and that they are running them themselves”.

As regards the amendment. I would have most willingly accepted it, but I request the honourable mover to consider his own amendment himself. He says “after consulting the voters.” But the whole trouble is, these voters do not exist. He is putting the cart before the horse. Suppose the amendment is carried as the voters do not exist, it will be impossible for Government to consult any one. Unless we give them an extension and new rolls are prepared, how can Government consult voters who do not exist ?.....

Mr. N. A. BECHAR : Municipalities.

The Honourable Sir GHULAM HUSSAIN : The president of the municipality himself has brought this bill. This amendment is absurd because there are no voters to consult.

Suppose this amendment were carried, I would not know whom to consult before giving the extension, because under this Act those who occupy or own houses whose rental value is rupee one have the right of vote. Such an electoral roll does not exist, and therefore I am sure the House will not stultify itself by passing this absurd amendment.

Question put and lost.

Clause 2 ordered to stand part of the bill.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I wish to move a slight verbal amendment as under :—

In clause 1, after the word "Municipalities" and before the word "Amendment," insert the word "Second" in brackets.

Question put and carried.

Clause 1, as amended, ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I beg to move that  
Third reading the bill be now read a third time.

Mr. N. A. BECHAR : Sir, we heard the principle laid down by two stalwarts, namely, Rao Bahadur Kale and the honourable mover of this bill, that before any measure concerning local bodies can be brought in in this House, the municipalities and local bodies should be consulted.....

The Honourable the PRESIDENT : That is not in order, because the House as a House has not laid down any such principle.

Bill read a third time Question put and carried.

The Honourable the PRESIDENT . The bill is read a third time and passed into law.

### **A BILL TO AMEND THE BOMBAY PLEADERS' ACT, 1920**

*(Motion for leave to introduce the Bill)*

Mr. N. B. CHANDRACHUD (Poona City) : Sir, I beg leave of the House to introduce my bill to amend the Bombay Pleaders' Act, 1920.

Being a pleader myself, it may appear strange that I am trying by means of this bill to reduce the fees chargeable by pleaders, but the evil has assumed large proportions. As the House knows, when a suit is to be brought by a landlord against his tenant, the claim for court fees is equal to one year's rent, that is to say, if the monthly rent is Rs. 5 the claim for court fees is Rs. 60. But for purposes of pleaders' fees the calculation is made on the value of the property. If the property is worth Rs. 2,000, the claim is valued for the purposes of pleader's fees at Rs. 2,000, and as a result the tenant has to pay pleader's fees on Rs. 2,000. These cases are absolutely simple. They do not take more than two or three minutes, and unfortunately, the tenant has not only to give up the premises but also to pay pleader's fees quite out of proportion to the labour of the pleader and the trouble involved. But the law has no other alternative, because it has been ruled by the High Court that the pleaders' fees ought to be calculated on the valuation of the property. The evil has become so great that Sir McLeod, the Chief Justice of the High Court, suggested that an amendment should be made in the Act, and it is with that view, in order to remove the hardship to the tenants that I have brought forward this amending bill.

The Honourable the PRESIDENT : I should like to remind the honourable member that only a brief statement can be made.

Question put and leave granted to the honourable member to introduce the bill.

Mr. N. B. CHANDRACHUD : I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

**A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS  
ACT, 1923**

*(Motion for leave to introduce the Bill)*

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I ask for leave of the House to introduce a bill further to amend the Local Boards Act, 1923. The object of this bill is to reduce the franchise from an assessment of Rs. 32 to Rs. 16. I submit that the qualification should not be as high as that for the Legislative Council. It should be something between the qualification for the Council and that for the taluka local boards, that is to say, it should be reduced from Rs. 32 to Rs. 16.

Question put and leave granted to the honourable member to introduce the bill.

Mr. J. C. SWAMINARAYAN : I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

**A BILL FURTHER TO AMEND THE BOMBAY LAND  
REVENUE CODE, 1879**

*(Motion for leave to introduce the Bill)*

Mr. J. C. SWAMINARAYAN : I was informed that the period of notice in regard to this bill should be increased to two months. I cannot move it.

**A BILL FURTHER TO AMEND THE CITY OF BOMBAY  
POLICE ACT, 1902**

*(Motion for leave to introduce the Bill)*

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I ask the leave of the House to introduce a bill further to amend the City of Bombay Police Act, 1902. The bill refers to the shooting of animals. Now, the change that I wish to make is that before an animal is destroyed, an opportunity should be given to the Bombay Humanitarian Society or a *pinjrapole* to take care of the animal, and reasonable time should be given to them for the purpose of removing the animal or treating it according to their desire. I want to incorporate this into the Act, and I desire to ask the leave of the House to introduce this bill.

Question put and leave granted to the honourable member to introduce the bill.

Mr. J. C. SWAMINARAYAN : I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

**MOTION TO AMEND STANDING ORDERS***(Motion for leave to introduce)*

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to move an amendment to the Standing Orders. The Standing Order which I wish to amend is II-3 (2). As it at present stands the Standing Order says:

“On the prorogation of a Session, all pending notices shall lapse and fresh notice must be given for the next Session:”

Now, this requires that fresh notice has to be given for the next session of all such notices. Now, in the Central Provinces the Standing Order is that all pending notices shall be carried over to the next session. Therefore, I want to correct this Standing Order II-3 (2) in such a way that all pending notices shall be carried over to the business of the next session. This has to be done by substituting for Standing Order II-3 (2) the following:

“On the prorogation of a session all pending notices shall be carried over to the pending list of business of the next session.”

Question proposed.

Mr. J. R. MARTIN: Sir, I oppose the amendment.

The Honourable the PRESIDENT: Then the next procedure is that those who wish to support the motion should stand up in their places.

(Thirty members not having stood up in support of the motion, leave was refused to the honourable member.)

An Honourable MEMBER: There are so many members outside.

Rao Bahadur S. N. ANGADI: There was no ringing of the bell. Many honourable members might be outside.

The Honourable the PRESIDENT: This is no division that has been asked for. All the honourable members who wanted to support the motion should have been in their places.

Mr. R. G. PRADHAN (Nasik District): Sir, the motion that stands against my name reads thus:—

That the following humble address be presented to His Excellency the Governor of Bombay:—

“May it please Your Excellency,—

We, the members of the Bombay Legislative Council respectfully pray that Your Excellency may be pleased to appoint immediately standing committees of the Legislative Council as recommended by the Joint Parliamentary Committee on the Government of India Bill, 1919, in paragraph 10 of their report on the Bill.”

I wish to preface my speech with a few words of explanation as to the form of the motion. Some honourable members have asked me why my motion has been couched in the form of a motion to present an address to His Excellency and one honourable member who is not present here and who will be unnamed, on simply noticing that the motion is to present an address to His Excellency the Governor asked me whether His Excellency was retiring so soon. This motion is made under Standing Order XII-6, because it will be seen in the course of the debate that the appointment of standing committees is entirely in the hands of His

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Excellency the Governor. It is so to speak his privilege—it is his prerogative—and therefore if I had submitted my motion in the form of an ordinary resolution embodying a recommendation to Government, I stood the risk of having such a resolution ruled out of order. I did not intend to take such a risk and therefore I have couched my motion in the form of a motion to present an address to His Excellency the Governor.

Sir, the history of the question to which this motion relates is interesting; and I propose to review that history briefly. The proposal that standing committees should be attached to the various departments of Government was made in that historic report on Indian constitutional reforms, popularly known as the Montagu-Chelmsford Report. The authors of that report observe on this proposal:

“Our next proposal is intended to familiarise other elected members of the legislative council, besides ministers, with the processes of administration; and also to make the relations between the executive and legislative more intimate. We propose that to each department or group of departments whether it is placed under a member of the executive council or under a minister, there should be attached a standing committee elected by the legislative council from among their own members. Their functions would be advisory. They would not have any administrative control of departments. It would be open to Government to refuse information when it would be inconsistent with the public interest to furnish it. We do not intend that all questions raised in the course of day to day administration should be referred to them; but that they should see, discuss and record for the consideration of Government their opinions on all questions of policy, all new schemes involving expenditure above a fixed limit, and all annual reports upon the working of the departments. If the recommendations of the standing committee were not accepted by Government it would, subject of course to the obligation of respecting confidence, be open to any of its members to move a resolution in the legislative council in the ordinary way. The member of the executive council or minister concerned with the subject matter, should preside over the committee, and as an exception to the rule that it should be wholly non-official, the heads of the departments concerned, whether sitting in the legislative council, or not, should also be full members of it, with the right to vote.”

The Honourable the PRESIDENT: I should like to interrupt the honourable member at this stage and inform him that I intend as regards time limit on this motion to follow the same procedure as is followed in the case of resolutions.

Mr. R. G. PRADHAN: Half an hour?

The Honourable the PRESIDENT: Yes.

Mr. R. G. PRADHAN: This was then the proposal made by the authors of that report. The question was considered by the Joint Parliamentary Committee on the Government of India Bill, 1919, and their proposal on this question reads thus. In paragraph 10 of their report the committee observe:

“The committee think that it may often greatly assist the political education of India if standing committees of the legislative bodies are attached to certain departments of Government but they only express the opinion on the understanding that the appointment of such committees, their composition and the regulations which govern their procedure shall be matters wholly and exclusively within the discretion of the Governor-General or of the Governor as the case may be.”

It will be seen from the paragraph which I have just read out that the Joint Parliamentary Committee approve of the recommendation. They only urge that the appointment of the committees, the regulations about

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the appointment of these committees, and all questions relating to such committees should lie entirely in the hands of the Governor-General in the Central Government and of the Governor in the provincial governments. Now, Sir, honourable members may, perhaps, be aware that in the central government such standing committees are attached to various departments. In 1922 in the Legislative Assembly one honourable member brought forward a resolution which recommended the appointment of such committees. That resolution was passed, and since then the Government of India have been giving effect to that resolution. Recently in the Simla session, held in August, resolutions were moved on behalf of the Government of India to appoint several standing committees, for instance, a standing committee of the Department of Industries and Labour; then there was also a proposal to appoint a standing committee for the Commerce Department; there was a third proposal for the appointment of a standing committee for the Department of Education, Health and Lands. And all these resolutions moved by the Government were adopted.

The Government of India have made certain regulations with regard to the constitution of these committees, and one of the regulations is that generally a panel should be elected by members of both houses of the Central Legislature, and out of the panel so elected by the Legislative Assembly and the Council of State, the Government should nominate members of the standing committees. The Government of India have attached great importance to these standing committees. They have recognised that such committees have proved very valuable. When in this session, held in August, these resolutions were moved on behalf of the Government, I find, in the speech made by the Honourable Sir Bhupendranath Mitra, whilst speaking on his resolution on the subject, he frankly admitted that his committee had been very useful to him, and he concluded by remarking :

“ I would ask the House to consider whether because they do not like the present constitution of these committees or because they do not like the panel system on grounds of high policy, if I may use that expression, it is fair to me that they should deprive me of the services of this committee and compel me to go without the assistance of my honourable friends like Mr. Joshi and Mr. Chamanlal.”

Then, perhaps, it will be very interesting to this honourable House to know that Mr. A. R. Dalal, who was a member of this House and who has been deputed to the Government of India as Secretary of the Education, Health and Lands Department, in moving his resolution in connection with the committee to be attached to his department observed :

“ I do not wish to say anything further except to mention that we have found the advice and the help of our Standing Emigration Committee, which we frequently consult, of the greatest help to us. I trust, therefore, that the House will not deny similar advice and assistance from this committee.”

From these extracts, which I have read, I hope the honourable House will be satisfied of the statement that I have made, that the Government of India have gladly and willingly accepted the principle of these committees; that they have been appointing such committees since. I believe.

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the year 1923 or 1924 ; and that they have given public testimony to the value and importance of such committees and have gladly recognised the services they have rendered.

Now, Sir, the position is this. Here is a proposal which I am making, which is, in the first place, recommended by the then Secretary of State for India, the late Mr. Montagu, and Lord Chelmsford, sometime the Governor General and Viceroy of India ; which has received the imprimatur of the approval of the Joint Parliamentary Committee ; which has received further the approval of the Government of India and has in principle been acted and carried out by them for several years.

Coming to the provincial Governments, I regret I have not been able to obtain the latest information on the subject, but I have gone through the report submitted to the Reforms Enquiry Committee as regards the working of the Reforms in the provincial Governments for the years 1923 and 1924, and I find in the report for the year 1924, committees appointed by the Madras Government and also, I believe, by one or two other provincial Governments. Recently, since the elections that took place last year, I understand that standing committees have been appointed by the Government of the United Provinces and also by the Government of the Central Provinces. I speak subject to correction, but so far as my information goes, these two Governments have recently appointed standing committees to their departments. Such is the position on this question. And what I am asking this honourable House is that a request should be made to His Excellency the Governor to consider whether it would not be advisable that similar committees should be appointed by our Government to the various departments. I do not desire to submit that all at once there should be a standing committee attached to every department. For instance, there is the Political Department, which, I believe—and believe rightly—is entirely administered by His Excellency the Governor.....

MOULVI RAFIUDDIN AHMAD : So far so good.

Mr. R. G. PRADHAN : As my honourable friend Moulvi Saheb says so far so good. I share his sentiments. If it is not His Excellency's desire to attach a committee to that department and let us peep into the arcana of that department, the mysteries of that department, I would not mind it. A beginning may be made by appointing standing committees say for the Revenue Department, for the Education Department and for the Home Department. In fact, Sir, the principle of appointing such committees has been, to some extent, partially, accepted by this Government also.

We have the Finance Committee and Government have recently appointed a committee to advise the Development Department. The Finance Committee is but an advisory committee attached to the Department of Finance and I do not think Government will say that that Finance Committee is not giving them valuable assistance and guidance in administering the financial affairs of this presidency. They have recently appointed a committee to advise as regards the Development



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Department. It would have been much better if such a committee had been attached to that Department earlier. I venture to submit that if such a committee had been in existence ever since the establishment of the Development Department.....

The Honourable Sir COWASJI JEHangIR : It has been there.

Mr. R. G. PRADHAN : I am very glad to hear it. If such a committee had been in existence ever since the establishment of the Department some of the very serious mistakes in connection with that Department would have been avoided. Government themselves have, as a matter of fact, recognised the principle of these committees and I do not think that there can be any valid objection to the appointment of such committees. I do not want at this stage to anticipate the objections. I know when I submitted the motion to the Secretary of this Council, certain criticisms appeared in a certain newspaper in Bombay which shall be nameless, criticising me for making this motion on the ground that, enamoured as I am certainly not of the dyarchical system, as I have always been one of those who wanted to improve the constitution so that we may have full responsible government as early as possible, I should have been the last person to bring forward a proposal the result of which would, according to the critic, would be to strengthen the dyarchical constitution. That was the criticism that was made against my proposal. I do not think that criticism will be levelled on the floor of this House. If it is levelled I shall answer it when I reply.

Then, Sir, it may perhaps be contended that the appointment of these committees may be expensive. Meetings will have to be held, travelling allowance will have to be paid and so on and some additional expenditure will have to be incurred by the Government. No doubt some expenditure will have to be incurred and, therefore, in view of the financial position of the presidency I do not contend that committees should be appointed to every department all at once. I realise that there is some force in that contention but certainly Government can appoint some committees. I do not think expenditure on account of these committees would be too heavy for the Government to bear in spite of the fact, which we all recognise, that the finances of this presidency are not as satisfactory as they should be.

Then it might be urged— and I remember that I had an informal talk on this question with a Minister who asked me— how these committees can be worked. Well, the Government of India have not found it difficult to work such committees. They have made rules and I do not see any reason why the Government of Bombay should not frame rules governing the business and the constitution of these committees. Personally, I have not the slightest objection to their following the example of the Government of India and making a rule to the effect that a panel of certain members shall be elected by this honourable House and then Government can appoint committees out of that panel.

There is one observation which I should like to make before I resume my seat. I attach very great importance to the appointment of a standing

[Mr. R. G. Pradhan]

committee in connection with the Home Department. I am sorry the Honourable Member for the Home Department is not here on account of his not being quite well. But if he had been here, I would have certainly earnestly appealed to him to take into consideration my suggestion that he should appoint a standing advisory committee for his department. The Home Department is concerned with the most important, the most vital, the most responsible function of maintaining peace and order. Time at my disposal is very short ; otherwise I would have given several reasons why I urge very strongly that a committee should be attached in particular to this Department. I shall, however, content myself with saying this, namely, that if such a committee is appointed, Government probably will receive considerable assistance in this solution of communal questions. Probably the communal atmosphere will become clearer and clearer if the Honourable Member in charge of the Home Department, whose responsibilities are very serious, would take the assistance of a few members of this House belonging to both communities as also of other communities. If such assistance is taken by him, probably he will find himself in a better and stronger position to deal with the various questions relating to his department of peace and order, which have cropped up and which may crop up in the future.

I am also very keen that a committee of this kind should be attached to the Department of Education. The importance of a committee attached to the Education Department should be so obvious to the Honourable Minister of Education that I need not say more on the point. I also suggest that a committee should be appointed in connection with the Revenue Department.

I submit, Sir, there is every reason, every argument in support of the appointment of such committees. Authority, argument, reason, experience, utility, expectation of advantage, all these considerations are entirely in favour of the motion I am making and I do hope as it is only a motion to present an address to His Excellency the Governor, there would not be the least objection on the part of the Government to allowing this motion in this House. It is simply the presentation of an address to His Excellency : the matter will rest entirely in the hands of His Excellency. I do not think honourable members on the Government benches will be the least inclined to oppose a motion which simply amounts to this ; that it is a request coming from this honourable House to His Excellency the Governor that His Excellency may be pleased to consider the advisability of appointing such committees in the interests, as I say, of the better Government of this province. With these words, Sir, I strongly commend my motion to the acceptance of the House.

The Honourable the PRESIDENT : The House is adjourned to 10 a.m. to-morrow, Tuesday the 18th October 1927.

*Tuesday, the 18th October 1927*

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The Council re-assembled at the Council Hall, Poona, at 10 a.m. on Tuesday, the 18th October 1927, the Honourable the President, Mr. A. M. K. DEHLAVI. Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
AHMAD, MOULVI RAFIUDDIN  
AMBEDKAR, Dr. B. R.  
ANDERSON, Mr. F. G. H.  
ANDREW, Mr. T. A.  
ANGADI, Rao Bahadur S. N.  
ASAVALE, Mr. R. S.  
ATAVANE, Mr. A. M.  
BALAK RAM, Mr.  
BECHAR, Mr. N. A.  
BHOSLE, Mr. M. G.  
BOLE, Mr. S. K.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DAWOODKHAN SHALEBHOY, Mr.  
DESAI, the Honourable Dewan Bahadur HARILAL D.  
DESAI, Mr. J. B.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
DOW, Mr. H.  
FREKE, Mr. C. G.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GHULAM NABI SHAH, Khan Bahadur  
GINWALLA, Mr. F. J.  
GUNJAL, Mr. N. R.  
HAJI MIR MAHOMED BALOCH, Mr.  
HATCH, Mr. G. W.  
HOTSON, the Honourable Mr. J. E. B.  
JADHAV, Mr. B. V.  
JAIRAMDAS DOULATRAM, Mr.  
JEHANGIR, the Honourable Sir COWASJI  
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
JOG, Mr. V. N.  
JOSHI, Mr. S. C.  
KALE, Rao Bahadur R. R.  
KARKI, Mr. M. D.  
LIGADE, Mr. S. P.  
MAJMUDAR, Mr. N. G.  
MARTIN, Mr. J. R.

MARZBAN, Mr. P. J.  
 MEHTA, the Honourable Sir CHUNILAL  
 MONTEATH, Mr. J.  
 MUJUMDAR, Sardar G. N.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 PAHALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 POOLEY, Mr. C. B.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORAT, Sardar S. B.  
 THORNBUR, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WASIF, Mr. G. A. D.  
 WEBB, Mr. M.  
 WILES, Mr. G.

The Honourable the PRESIDENT : Order, order. Before we proceed, I should like to point out to honourable members that we have a question list of 87 pages before us, and that, therefore, I would request honourable members on the Government side to say "as printed" as often as they possibly can and on the non-official side, I would request honourable members to limit their supplementary questions to the fewest number. Questions.

#### EKRUK TANK, SHOLAPUR : CANAL OFFICER

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Will Government be pleased to state—

(a) to whom the powers of a canal officer were delegated by Government for the Ekruk tank at Sholapur since its construction ;

(b) whether the powers are exercised by that officer at present; if not, who exercises them now and from what year;

(c) if the answer to (a) is in the negative, what were the reasons for this?

The Honourable Sir COWASJI JEHangIR : (a) Executive Engineer.

(b) Yes; but due to the insufficient storage of water in the Ekruk tank, the Executive Engineer submits (since 1923) the annual forecast for the approval of the Superintending Engineer, Central Circle.

(c) Does not arise.

#### KARACHI PORT TRUST

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to state—

(a) whether it is a fact that some of the Superior Staff in the services of the Karachi Port Trust is superfluous;

(b) whether the Indian members of the Port Trust Board have drawn the attention of the Chairman to the excessive number of Pilots in comparison to those of other important ports;

(c) whether it is a fact that a very large quantity of cement and coal for the construction of the West Wharf Scheme is imported from abroad and Indian Industry not patronised in spite of pressure from the Indian members of the Board;

(d) whether it is a fact that on almost all popular issues before the Board the Indian point of view has been rejected;

(e) whether the Honourable the General Member intends bringing in a fresh Bill to amend the Karachi Port Trust Act with a view to securing that the Indian view prevails in the Port Trust?

The Honourable Sir COWASJI JEHangIR : (a) No.

(b) The question was raised by one of the Indian members.

(c) English cement has been used up to date for under water work.

For work above low water about 3,000 tons of Indian cement have been used and an order has just been placed for another 2,500 tons.

Only Indian coal was used from 1914-15 to 1919-20. Since August 1925 Bengal coal has been used except one consignment of 1,696 tons of South African coal purchased locally in November 1925.

(d) Government have no reason to believe that such is the fact.

(e) There is no such intention at present.

#### KARACHI PORT TRUST LOAN

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to furnish a list showing separately the total amounts tendered towards

the last Karachi Port Trust Loan by the Imperial Bank of India themselves at their head office and all other branch offices ?

The Honourable Sir COWASJI JEHangIR : Government regret that the information asked for is not available.

Mr. N. A. BECHAR : May I draw attention to the fact that we are greatly handicapped in not getting question and answer lists at least a day or two in advance to enable us to see whether any supplementary questions are necessary ? We cannot do so if we get the lists just about when the Council assembles.

The Honourable the PRESIDENT : I know the difficulty, one which has been brought to the notice of the President before now, but when copies are received by the office itself this morning, they cannot be supplied to honourable members the day before.

#### JAIN HOLIDAY, KARACHI

Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to state—

(a) whether they are aware that there is a large population of Jains in Karachi ;

(b) whether they are aware that there is not a single Jain holiday included among the public holidays ;

(c) whether they propose to take any action in the matter in view of the fact that two such holidays are observed in Bombay and Ahmed abad ?

The Honourable Sir CHUNILAL MEHTA : Information has been called for.

#### TEACHERS' SALARIES : KARACHI MUNICIPAL SCHEME

Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to state what progress has been made with regard to the scheme submitted by the Karachi Municipality in connection with the revised scales of salaries for their teachers ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The Commissioner in Sind has been asked to ascertain from the Municipality whether it is prepared to agree to Government sanctioning the scales of pay proposed by it on the understanding that Government will not bear any portion of the extra cost involved.

#### SCHOOL BOARD, KARACHI : NOMINATIONS

Mr. N. A. BECHAR (Karachi City) : Will Government be pleased to state—

(a) whether the election of the Karachi School Board took place on 10th June ;

(b) whether it is a fact that immediately afterwards in response to an enquiry from the Collector the Municipality by an overwhelming majority expressed itself against nominations by Government ;

(c) whether it is a fact that in spite of this resolution the President of the Karachi Municipality recommended nomination of members ;

(d) if so, whether they will lay on the Council table the correspondence that passed between the President and the Collector and Commissioner in Karachi ;

(e) whether it is a fact that the Honourable Minister for Education gave an undertaking during the passage of the Primary Education Act in the Council that Government would not exercise their power of nominations ;

(f) whether it is a fact that they recently issued a resolution that unless the local bodies desire it they will not make any nomination on school boards ;

(g) if so, whether there has been any change of policy since then ;

(h) if not, what the cause of the delay of about three months in gazetting the names of the members of the Karachi School Board was ;

(i) whether they have perused articles in the press in Karachi, expressing resentment at this delay ;

(j) whether it is a fact that the Honourable Minister upheld the opinion of the Municipality and that the President of the Municipality and the Commissioner have again pressed for nominations ;

(k) when they propose to bring the matter to an end ?

The Honourable Dewan Bahadur HARILAL D. DESAI :

(a) Yes.

(b) Yes.

(c) Yes.

(d) Government regret that they are unable to comply with the request as the correspondence contains reports of Government officers which are meant for the information of Government only.

(e) Yes, so far as Dr. Paranjpye himself was concerned.

(f) No. Government merely declared their intention to consult the local authorities before appointing additional members.

(g) No.

(h) The delay was due in the main to the necessity of giving adequate consideration to certain points of view which were put forward.

(i) No.

(j) I would invite the attention of the Honourable Member to the replies given to parts (d) and (k) of his question.

(k) The names of members of the School Board have now been published in the *Sind Official Gazette*.

#### SALARIES OF MENIALS, KARACHI

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to state—

(a) what salaries they pay to their peons, sweepers and other low paid employees in the various departments in Karachi;

(b) whether it is a fact that for years the sweepers, ward-boys, peons, etc., in the Civil Hospital have been representing to Government that they are unable to exist on a salary ranging from Rs. 16 to Rs. 20 or so;

(c) whether they are aware that the Karachi Municipality and Port Trust pay their sweepers Rs. 20 to Rs. 25 whereas Government pay only Rs. 16 to 18;

(d) whether they are aware that it is impossible for a man with a family to live on Rs. 16 to 18 particularly in a city like Karachi, and if so whether they intend to revise the salaries and bring them at least into line with those of the Municipality;

(e) whether they are aware that their recent orders sanctioning a consolidated salary of the same amount formerly paid as salary and war allowance affords not the slightest relief to the servants in the Civil Hospital in Karachi and that the discontent among the staff is growing on that account;

(f) whether there are any Government servants in the ranks of clerks and above who get no annual or alternate year promotions for years as is the case with sweepers, etc.?

The Honourable Sir CHUNILAL MEHTA: (a) A statement containing the required information is placed on the Council Table.

(b) Yes.

(c) No. The pay of sweepers in the Karachi Municipality is Rs. 20-½-22, while in the Karachi Port Trust it is Rs. 17 to Rs. 22 *plus* Rs. 4 as house rent allowance where free quarters are not provided. The pay of sweepers in Government employ at Karachi ranges from Rs. 16 to Rs. 20 with free quarters in certain cases.

(d) Please refer to answer to (c) above.

(e) The Honourable Member is referred to the Honourable Minister in charge of the Department.

(f) Yes.



## Statement showing pay and allowances of menials in various Departments in Karachi

Name of Office	Pay of peons and other menials			Pay of sweepers
1. Commissioner in Sind.	Peons Pay Rs. 17—19 .. .. .			One full time Rs. 20 + free quarters.
	Local allowance Rs. 2.			One part-time Rs. 12 + free quarters.
	House rent allowance Rs. 4 or free quarters.			
2. Judicial Commissioner of Sind.	Havildars at Rs. 24 + 2 Local allowance + 4 House rent allowance.			Rs. 20.
	Nalks 21 do. do.			
	Nalks 18 do. do.			
	Peons 10 do. do.			
	Peons 18 do. do.			
	Peons 17 do. do.			
	Farashes 17 do. do.			
	Warders 17 do. do.			
	Farashes 14 + free quarters. No local allowance.			
	Khalasies 16 No free quarters. No. local allowance.			
3. Chief Engineer in Sind.	Nalks Rs. 20—22 + free quarters or house rent allowance Rs. 4.			Part time Rs. 6—10. Full time Rs. 16 + free quarters.
	Havildars Rs. 22—24 do. do.			
	Khalasies Rs. 16 only during touring season.			
	Peons Rs. 18 + free quarters or Rs. 4 house rent allowance.			
4. Revenue Officer, Lloyd Barrage and Canals Scheme.	Havildar Rs. 24 + House rent allowance Rs. 4 ..			Rs. 20.
	Nalks 22 do. do.			
	Peons 20 do. do.			
	Peon Khalasies Rs. 20.			
	Assistant Revenue Officer's Peons Rs. 18 + 4.			
5. Deputy Inspector General of Police.	Havildar Rs. 21 + Rs. 2 local allowance + Rs. 4 house rent allowance.			Rs. 17.
	Nalk 18 do. do.			
	Peon 17 do. do.			
6. The Collector of Karachi.	Havildar Rs. 20 + 2 + 4 if no free quarters ..			Rs. 20.
	Nalks 18 + 2 + 4 do.			
	Nalks 17 + 2 do.			
	Peons 17 + 2 do.			
	Peons 16 + 2 do.			
	Farashes 16 + 2 do.			
	Farashes 15 + 2 do.			
	Chowkidars 22. No local allowance. Do.			
	Camel Sowars 15 do.			
	Kotwars 15 do.			

Name of Office	Pay of peons and other menials					Pay of sweepers
7. The Civil Surgeon.	Naik	Rs.	18	..	..	Head sweeper Rs. 18. Sweepers Rs. 17 each. Female sweepers Rs. 16 each. Female sweepers Rs. 14 each.
	Peon	Rs.	16			
8. The Port Officer.	Cape Monze Light House—					Rs. 20 with free rations, free quarters, clothing and medical treatment.
	Lascars on Rs. 25—1—31	} with free quarters, rations, clothing and medical treatment.				
	Cook on Rs. 25					
	Light Vessel 'Sindh'—					
	Lascars	Rs.	30			
	Bhandari		28			
	Topass		23			
	The above with free rations, clothing and medical treatment (living on board the vessel).					
9. The Superintendent, Civil Veterinary Dept.	Peon	Rs. 18 + 2 local allowance		..	..	Rs. 14 part time.
		17 + 2 do.				
	Khalasies Rs. 19.					
10. The Educational Inspector in Sind.	Naik	Rs. 18 + 2 local allowance	+ 4 house rent allowance if no free quarter.			Rs. 16.
	Peon	17 + 2 do.	+ 4	do.		
	Farashes	16 + 2				
	Malhi	20				
11. The Superintendent of Salt and Excise, Sind.	Peons	Rs. 18 + 2 local allowance	+ 4 house rent allowance.			Rs. 10 part time.
12. The Translator Sindhi to Government.	Naik	Rs. 19 + 2 + free quarters	..	..		Rs. 3 part time.
	Peon	17 + 2 do.				
	Peon	Rs. 17 + 2 + Rs. 4.				
13. Manager, Commissioner's Printing Press.	Naik	Rs. 18	..	..	..	Rs. 19.
	Peon	17				
	Chowkidar	20				
	Cooly	18				
	Fly men	21				
	Do.	20				
	Do.	19				
	Do.	18				
	Roller man	22				
	Do.	21				
	Do.	20				
	Do.	19				
	Coolies (machine man) Rs. 20.					
	Cooly (Binding) Rs. 20.					
	Cooly Warehouse Rs. 20.					

## SCHOOL BOARD, KARACHI : MODEL RULES

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to state—

(a) whether it is a fact that the Karachi Municipality as the local authority proposed certain changes in the model rules for election of school boards and communicated the same for adoption by Government to the Director of Public Instruction;

(b) whether it is a fact that in their reply they regretted that they were unable to accept the said modification in rule 4 (2) and the adoption of a new sub-rule to rule 12 of the said election rules;

(c) whether they are aware that the general impression in such matters is that however reasonable the proposals may be Government are as a rule unwilling to adopt them and that Government are rarely found to give up their position;

(d) the reasons why they found the proposals of the Karachi municipal local authority unacceptable?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes.

(b) Yes.

(c) No.

(d) Out of the two amendments proposed by the Municipality the addition of a sub-rule to rule 12 of the model rules for the election of the school board, was considered unnecessary in view of the provisions of rule 17 of the Bombay Primary Education Rules, 1924. The other amendment which dealt with the question of dispensing with the presence of the proposer and the seconder at the time of presentation of the nomination paper to the President, was regarded as unacceptable in the interest of the candidate himself, especially in the case of candidates who belong to the backward and depressed classes, as the presence of the proposer and the seconder gives an opportunity to the candidate to present a fresh nomination paper in time in case the proposer or the seconder refuses to acknowledge his having signed the nomination paper.

## PRINCIPAL : SIND MADRESSAH

Mr. N. A. BECHAR (Karachi City): Will Government be pleased to state—

(a) whether their attention has been drawn to an article in the *Sind Observer*, dated 16th July about the Degrees of Mr. Mathews, the Principal of the Sind Madressah;

(b) whether they propose to take any action in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes.  
(b) No.

## KURLA MUNICIPAL ELECTIONS : VOTERS' QUALIFICATIONS

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether they received a representation from the residents of Kurla asking them to give the right of voting at the municipal election to tenants who pay a monthly rent of Rs. 3 ;

(b) if so, what steps they have taken in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) The matter is receiving the attention of Government.

## PRIMARY EDUCATION : EXPANSION IN THANA

Mr. S. K. BOLE : Will Government be pleased to state—

(a) whether it is a fact that the district local board, Thana, have submitted long ago proposals for opening new schools ;

(b) whether they are aware of the fact that the district local board, Thana, has resolved to open 90 new schools in anticipation of Government sanction in view of the unusual delay on the part of Government in sanctioning its proposals ;

(c) whether any communication on the subject has been received by Government from the Chairman, district school board, Thana ; if so, what action has been taken thereon ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) Yes.

(c) Yes. It is under the consideration of Government.

Mr. SYED MUNAWAR : Since when has this matter been under consideration ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Since the time the proposals were received.

Mr. SYED MUNAWAR : May I know the approximate date when the proposals were received ?

The Honourable Dewan Bahadur HARILAL D. DESAI : About nine months ago, I believe.

## GRAZING FEES : BELGAUM DISTRICT

Mr. P. R. CHIKODI (Belgaum District) : Will Government be pleased to state—

(a) whether the villages in the Belgaum District have been classified as forest villages and ordinary villages, and what the actual basis is that has been adopted in making such classification ;

(b) what the number is of the forest villages in the Belgaum District and what their names are ;

(c) since what date this classification has been made, what the reasons are for making it, and whether they will place a copy of their orders or resolution in respect thereof on the Council table ;

(d) whether there are different rates levied for grazing in forest in respect of cattle belonging to forest villages and of those belonging to ordinary villages, and if so, what those rates are ;

(e) whether these rates have been increased and if so, since what date and what the old and new rates are ;

(f) whether they have decided that it is unnecessary to consult the villagers or their representatives in the district or the Legislative Council in the matter of either fixing or enhancing the grazing fees or in classifying the villages into forest and non-forest or ordinary villages ;

(g) if the answer to (f) above is in the negative, whether the villages or the Legislative Council were consulted and, if not, what the reasons are for not consulting them ;

(h) whether it is a fact that all the cattle living in a forest village have been charged with grazing fees irrespective of the fact that some or any of them went to grazing or not ;

(i) whether the people of some villages complained of such a levy of charges upon all the cattle in their villages, whether some of these villages were consequently exempted from a levy of this nature, what those villages are that were thus exempted, what the names of the villages are that were not exempted and what the reasons are for making such a differential treatment ?

The Honourable Mr. G. B. PRADHAN : (a) Yes. Forest villages are those which contribute land to forest. Non-forest villages are those which do not contribute any land to forest.

(b) The number of forest villages in the Belgaum Division is 329. A list of these villages is placed on the Council table.

(c) The classification of villages into forest and non-forest villages was in force until September 1909 when it was abandoned. It was however revived in July 1915 with a view to giving priority in the matter of grazing and concession rates in regard to the levy of grazing fees to forest villages in consideration of their having contributed land to forest. The grazing rules in which the classification has been defined will be found printed in Article 437 of the Bombay Forest Manual, Volume II, a copy of which is to be found in the library.

(d) Yes. The rates are—

Buffaloes, cows,  
oxen, horses,  
mules and donkeys

Rs. a. p.

Sheep and  
goats

Rs. a. p.

*Forest villages*

0 4 0

0 2 0

Buffaloes, cows,  
oxen, horses,  
mules and donkeys

Rs. a. p.

Sheep and  
goats

Rs. a. p.

*Non-forest villages*

0 8 0

0 4 0

(e) The rates for the forest villages mentioned in the reply to clause (d) came into force in the Gujnal and Gokak Ranges from 9th April 1925 and in the Khanapur, Nagargalli and Patne Ranges from 17th July 1925. The rates for the non-forest villages came into force from May 1924. Previous to these dates the rates were two annas for every buffalow, cow, ox, horse, mule or donkey and one anna for every sheep and goat of both forest and non-forest villages.

(f) and (g) Government have come to no such decision. They have always sought to elicit the views of the villagers affected in all matters of forest administration, and in the Advisory committees which are being established they are creating a machinery which will facilitate such consultation. It is not the practice of Government to consult the Legislative Council in regard to the ordinary details of administration.

(h) Yes, except in the case of cattle in the forest villages of the Gujnal and Gokak Ranges and in the Gokak and Hukeri talukas.

(i) Some complaints were received and considered. The forest villages in the areas mentioned in the reply to clause (h) were exempted from the levy of the charges on all cattle, because stall feeding on a large scale is practised in these villages. The complaints of the villagers in the Khanapur and Patne Ranges are under consideration. The names of the villages which were exempted from payment of fees for all their cattle and of those which were refused such exemption are shown in the list referred to in the reply to clause (b).

Mr. P. R. CHIKODI : No reply has been given to my question in (a) namely, what the actual basis is that has been adopted in making such classification.

The Honourable Mr. G. B. PRADHAN : It is stated in the reply.

Mr. P. R. CHIKODI : Why is it not necessary to consult the Legislative Council in regard to such an important matter as the fixing of grazing fees ?

The Honourable Mr. G. B. PRADHAN : The answer is that it is not the practice of Government to consult the Legislative Council in regard to the ordinary details of administration.

Mr. P. R. CHIKODI : In view of the fact that forest is a transferred subject under the Reforms and grazing fees affect the every day life of a large class of people who contribute towards the cost of the Forest Department, is it not necessary that their representatives who are members of the Legislative Council should be consulted ?

The Honourable Mr. G. B. PRADHAN : It is for the executive department to submit proposals but the wishes of the Council are taken into consideration by Government when passing orders.

## List showing names of villages in the Belgaum Division

Serial No.	Village	Remarks	Serial No.	Village	Remarks
<i>Khanapur Range</i>			<i>Khanapur Range—contd.</i>		
1	Katgali .. ..		31	Savargali .. ..	
a	Rangapur .. ..		32	Haruri .. ..	
2	Waghavde .. ..	*	33	Shindoli .. ..	
u	Kalanhatti .. ..		34	Manikwadi .. ..	
3	Modekop .. ..	*	35	Dhokegali .. ..	
4	Nittur .. ..		36	Channewadi .. ..	
5	Dosur .. ..		37	Halsli .. ..	*
6	Idalhond .. ..		a	Wadi .. ..	
7	Gunjgi .. ..	*	b	Bhambarde .. ..	
8	Nandihalli .. ..	*	c	Nernewadi .. ..	
9	Otoli .. ..		38	Anagdi .. ..	
10	Malvi .. ..		39	Halsal .. ..	
11	Alloli .. ..		40	Bi Jagarni .. ..	
a	Kansoli .. ..		41	Padalwadi .. ..	
12	Ramgurvadi .. ..		42	Karajal .. ..	
13	Ganeballi .. ..		43	Tivoli .. ..	
14	Khemewadi .. ..		a	Bardeshkarwadi .. ..	
15	Hattargunji .. ..		b	Desal-Wada .. ..	
16	Bacholi .. ..		44	Sangargali .. ..	
17	Harsanwadi .. ..		45	Gunji .. ..	
18	Shivoli .. ..		46	Kumratwadi .. ..	
19	Allihol .. ..		47	Bhalke (Kurd) .. ..	
20	Hadalgi .. ..		48	Bhalke (Buzruk) .. ..	
21	Khairwad .. ..		49	Stimpewadi .. ..	
22	Nandgad (kasaba) .. ..		50	Naikol .. ..	
a	Do. (Peth) .. ..		51	Bimbegali .. ..	
b	Do. (Mouze) .. ..		52	Kamatge .. ..	
c	Garbhenhatti .. ..		a	Bhatewadi .. ..	
23	Hebbal .. ..		53	Diggegali .. ..	
a	Ladvadi .. ..		54	Kiravle .. ..	
b	Hatti .. ..		55	Ambewadi .. ..	
24	Karalgi .. ..		56	Jatge .. ..	
a	Hatti .. ..		57	Kapoli .. ..	
25	Jalage .. ..		a	Mainachwadi .. ..	
26	Karambal .. ..		b	Kelkarwada .. ..	
27	Kavandal .. ..		c	Chinchkhand .. ..	
28	Navge .. ..		d	Ranjankhod .. ..	
29	Gangavali .. ..		58	Ghose (Khurd) .. ..	
30	Shedegali .. ..		59	Do. (Buzruk) .. ..	

\* Villages that had petitioned for exemption but were refused.

Serial No.	Village	Remarks	Serial No.	Village	Remarks
<i>Khanapur Range—contd.</i>			<i>Khanapur Range—contd.</i>		
60	Potoli .. ..		80	Satnali .. ..	
61	Manturge .. .		81	Shindoli (Khurd) ..	
62	Nerse .. .		82	Shindoli (Budruk) ..	
a	Hanbarwada .. ..		83	Hemmadge .. ..	
63	Kanjle .. ..		a	Pali .. ..	
64	Shiroli .. ..		84	Jamgaon .. ..	
a	Brahmhanwadi .. ..		85	Degaon .. ..	
b	Hanbarwadi .. ..		86	Mendli .. ..	
c	Ravutwadi .. ..		87	Krishnapur .. ..	
d	Kalarwadi .. ..		88	Gavali .. ..	
65	Teregali .. ..		a	Talewadi .. ..	
66	Abnali .. ..		89	Pastoli .. ..	
67	Dongargaon .. ..		90	Kangle .. ..	
68	Warkhad .. ..		91	Tanali or Bhimgad ..	
a	Patye .. ..		92	Holde .. ..	
69	Akrali .. ..		93	Kabnali .. ..	
a	Harli .. ..		94	Kiravle .. ..	
b	Gavegali .. ..		95	Mugavde .. ..	
c	Rajwal .. ..		96	Kalgeri .. ..	
d	Kudyachawada .. ..		a	Shastriwada .. ..	
e	Loharwada .. ..		97	Kapoli .. ..	
f	Gavdachavada .. ..		a	Mudgal .. ..	
g	Astoli .. ..		b	Hanbarwadi .. ..	
70	Adali .. ..		98	Nilavde .. ..	
71	Shitvade .. ..		a	Konkanwadi .. ..	
a	Hanbarwada .. ..		99	Chapoli .. ..	
72	Manjarpai .. ..		a	Cherekhani .. ..	
73	Mundawad .. ..		b	Dhangarwadi .. ..	
a	Pimple .. ..		100	Jamboti .. ..	
74	Gharli .. ..		a	Ramapur .. ..	
75	Mohiset .. ..		b	Dukarhond .. ..	
a	Dudval .. ..		c	Sulachewadi .. ..	
b	Hanbarwada .. ..		d	Wadagaon .. ..	
76	Londa .. ..		101	Kalmani .. ..	
77	Watre (Miraashiwada) ..		102	Wolmani .. ..	
a	Jomtale .. ..		103	Daroli .. ..	
b	Bhatewadi .. ..		104	Amgaon .. ..	
c	Bardeshwadi .. ..		105	Chikhale .. ..	
78	Shivthan .. ..		106	Betne .. ..	
79	Machali .. ..		a	Dhangarwada (hamlet) ..	

\* Villages that had petitioned for exemption but were refused.



Serial No.	Village	Remarks	Serial No.	Village	Remarks
<i>Khanapur Range—consd.</i>			<i>Nagargaki Range—contd.</i>		
107	Parwad .. ..		137	Kumbharde .. ..	
a	Dhangarwada .. ..		a	Sidhamath .. ..	
108	Kankumbi .. ..		138	Nagargali .. ..	
a	Lakamshettiwada .. ..		139	Poshekop .. ..	
b	Handikuppa .. ..		140	Karikatti .. ..	
c	Dhangarwada (hamlet) .. ..		141	Tavargatti (village) .. ..	
109	Talavde .. ..		a	Tavargatti Depot and Station.	
110	Chigule .. ..		142	Singinkop (Majre of Manjarpal).	
111	Huland .. ..		a	Ragi Kumri (Majre of Tavargatti).	
a	Dhangarwada .. ..		143	Balgund .. ..	
112	Choria .. ..		144	Gundoli .. ..	
a	Mani .. ..		145	Godoli .. ..	
b	Sada .. ..		146	Pur .. ..	
113	Golyali .. ..		147	Degaon .. ..	
114	Gavse .. ..		148	Honnapur .. ..	
115	Kalyali .. ..		149	Kerwad .. ..	
116	Kalnaikanhatti .. ..		150	Surapur .. ..	
<i>Nagargaki Range</i>			151	Bhurunki .. ..	
117	Gundapi .. ..		152	Godgeri .. ..	
118	Hattarwad .. ..		153	Kodgai .. ..	
119	Mendegali .. ..		154	Chankeballi .. ..	
120	Halga .. ..		155	Avratballi .. ..	
121	Merde .. ..		<i>Gujanal Range</i>		
122	Kirhalsi .. ..		156	Ramankatti .. ..	†
123	Golihalli .. ..		157	Mangaon .. ..	†
124	Sagre .. ..		158	Chilbhavi .. ..	†
125	Bastwad .. ..		159	Hospet .. ..	†
126	Jambegali (urf. Redekundi) .. ..		a	Sindihatti .. ..	†
127	Ghotgali .. ..		160	Hatti-Alur .. ..	†
128	Bhatewadi .. ..		161	Rustumpur .. ..	†
129	Karajgi .. ..		a	Kanvihatti .. ..	†
130	Ghasatoli .. ..		162	Bagarnal .. ..	†
131	Maskenhatti .. ..		163	Bannibagi .. ..	†
132	Chinchewadi .. ..		164	Karguppi .. ..	†
133	Suvatwadi .. ..		165	Yellapur .. ..	†
134	Tarwad .. ..		166	Mavnur .. ..	†
135	Sulegali .. ..		167	Kundargi .. ..	†
136	Bamankop .. ..		168	Dasnhatti .. ..	†
			169	Shigholli .. ..	†

\* Villages that had petitioned for exemption but were refused.  
Villages of Gokak and Hukkeri talukas originally exempted.

Serial No.	Village	Remarks	Serial No.	Village	Remarks
<i>Gujanal Range—contd.</i>			<i>Gujanal Range—conold.</i>		
170	Shettiholi ..	†	196	Urmanhatti ..	*
171	Chinchani ..	*	197	Akkatangerhal ..	†
a	Kamewadi ..	*	198	Hosur ..	*
b	Nadgadde ..	*	199	Arbhavi Dawalhatti ..	†
c	Kamalwadi ..	*	200	Kanbargi ..	*
172	Daddi ..	†	201	Nandi ..	*
173	Bidrewadi ..	†	202	Kablapur ..	*
174	Aldhal ..	†	a	Mastiholi ..	*
175	Mangutti ..	†	203	Chandagad ..	*
a	Bolshyanhatti ..	†	204	Bharmanhatti ..	*
b	Benkanhalli ..	†	a	Kalebharmanhatti ..	*
176	Nagaur terf Dadde ..	†	b	Karvinkuppi ..	*
177	Nagaur terf Majti ..	†	c	Karavi ..	*
178	Biramholi ..	†	205	Gutti ..	*
a	Katabli ..	†	206	Muchandi ..	*
b	Dodshyanhatti ..	†	207	Mallapur ..	†
179	Mastiholi ..	†	208	Musalmani ..	†
180	Thana Hattargi ..	†	209	Pangutti ..	*
a	Majre Dodmanhatti ..	†	210	Aste ..	*
181	Deshnur ..	*	a	Majre Budryanur ..	*
a	Majre Kolyanhatti ..	*	211	Rangdholi ..	*
182	Mohre ..	*	212	Gujnal ..	†
183	Ankalgi ..	†	a	Mallamaddi ..	*
a	Lagameshwar ..	†	213	Kenchanhatti ..	*
184	Gudagnahhatti ..	†	a	Majra of Kenchanhatti ..	*
185	Mastmardi ..	*	214	Nandi Majre Mavinholi ..	*
186	Yadalgud ..	†	215	Do. Daranhatti ..	*
187	Suldhal ..	†	216	Do. Padihalli ..	*
a	Budhbhavi ..	†	217	Ninganhatti ..	*
188	Gajminhalli ..	*	218	Godiholi ..	†
a	Hoskoti ..	*	219	Rajankatti ..	†
189	Hanabarhatti ..	*	220	Godalkundargi ..	†
190	Hogarti ..	*	221	Ramewadi ..	†
191	Mallapur ..	*	<i>Gokak Range</i>		
192	Panjanhatti ..	†	222	Tavag ..	†
193	Madval ..	†	223	Konnur ..	†
a	Iranhatti (majre) ..	†	(a)	Melmanhatti ..	†
b	Do. Talginhatti ..	†	(b)	Shivapur ..	†
194	Kanasgeri ..	*	224	Gokak ..	†
195	Benchinmardi ..	†	a	Kadabgatti ..	*

\* Villages of Gokak and Gokak ranges subsequently exempted.  
† Villages of Gokak and Hukkeri talukas originally exempted.

Serial No.	Village	Remarks	Serial No.	Village	Remarks
<i>Gokak Range—contd.</i>			<i>Gokak Range—concl.</i>		
225	Godehinmalki ..	.. *	252	Jalikatti ..	.. †
226	Kolvi ..	.. *	253	Jangambudkatti ..	.. †
227	Paranhatti ..	.. *	254	Kagihali ..	.. †
228	Anjankatti ..	.. *	255	Kalloli ..	.. †
229	Panchnalkanhatti ..	.. *	256	Karalkatti ..	.. †
230	Makkalgeri ..	.. *	a	Karalkatti (Tanda)	.. †
a	Hatti ..	.. *	257	Karimani ..	.. †
b	Honnapur ..	.. *	258	Katmali ..	.. †
231	Pudkalkatti ..	.. *	259	Katral ..	.. †
232	Shilthibhavi ..	.. *	260	Mahnur ..	.. †
233	Jamnal ..	.. *	261	Madlur ..	.. †
234	Khangson ..	.. *	262	Marikatti ..	.. †
a	Nabbapur ..	.. *	263	Manoli ..	.. †
b	Devghinhatti ..	.. *	264	Murgod ..	.. †
c	Kasappanhatti ..	.. *	265	Shrirangpur ..	.. †
d	Hosur ..	.. *	266	Shindogi ..	.. †
e	Gudhyanhatti ..	.. *	267	Sogal ..	.. †
f	Midkyanhatti ..	.. *	268	Somalgundi ..	.. †
g	Yelpatti ..	.. *	269	Teradkop ..	.. †
235	Vannur ..	.. †	270	Watnal ..	.. †
a	Sankumpli ..	.. †	271	Yekkeri ..	.. †
236	Nugyanhatti ..	.. †	272	Rajankatti ..	.. †
237	Kadabi ..	.. †	a	Gad (Majre) ..	.. †
a	Hanbar Kadabi ..	.. †	273	Hulikeri (Tanda)	.. †
b	Devar Kadabi ..	.. †	274	Ramapur (Majre)	.. †
238	Malagli ..	.. †	275	Ramapur (Tanda)	.. †
239	Yerzarvi ..	.. †	276	Parkyanhatti ..	.. †
240	Halki ..	.. †	277	Subhapur ..	.. †
241	Hirebudnur ..	.. †	278	Dundankop ..	.. †
a	Kuddarhatti ..	.. †	279	Ubalini ..	.. †
242	Aladkatti (Taluka)	.. †	280	Kaitnal ..	.. †
243	Do. (Mahal)	.. †	<i>Patne Range</i>		
244	Badli ..	.. †	281	Kinay ..	..
245	Basidoni ..	.. †	282	Karle ..	..
246	Budikop ..	.. †	283	Morab ..	..
247	Chakrageri ..	.. †	284	Sonarwadi ..	..
248	Ganiyal ..	.. †	a	Dhangarwada ..	..
249	Gorobal ..	.. †	285	Bailur ..	..
250	Hirur ..	.. †	a	Hal ..	..
251	Hull ..	.. †	b	Wada ..	..

\* Villages of Gokak and Hukkeri talukas originally exempted.

† Villages of Gokak and Gokak ranges subsequently exempted.

Serial No.	Village	Remarks	Serial No.	Village	Remarks
<i>Patne Range—contd.</i>			<i>Patne Range—conold.</i>		
286	Baknur .. ..		308	Morla .. ..	
a	Dhangarwada .. ..		309	Ghotgewadi .. ..	*
287	Betgeri .. ..		310	Sipur .. ..	
288	Kokti .. ..		311	Kolindre .. ..	
289	Mahalunge .. ..		312	Savarde .. ..	
a	Dhangarwada .. ..		313	Asgaon .. ..	*
290	Tudiyee .. ..		a	Rodka-Gonda-wada .. ..	
a	Malvi .. ..		314	Nagve .. ..	
b	Wada .. ..		a	Hanbarach Magi .. ..	
291	Kolik .. ..		b	Dhangarwada .. ..	
292	Hajroni .. ..		c	Pishachiwada .. ..	
a	Dhangarwada .. ..		315	Ungaon .. ..	
293	Dhamne .. ..		a	Malichavada .. ..	
a	Dhangarwada .. ..		b	Dhangarwada .. ..	
294	Madavle .. ..	*	c	Duryachiwada .. ..	
295	Jangamhatti .. ..		d	Khodki .. ..	
a	Dhangarwada .. ..		e	Pednekarwada .. ..	
296	Kaliwade .. ..		316	Jambre .. ..	
297	Kitawde .. ..		317	Nhavelli .. ..	
298	Ambewadi .. ..		318	Kokre .. ..	*
299	Patne .. ..	*	a	Kirmatwadi .. ..	
a	Dhangarwada .. ..		319	Adure .. ..	*
300	Jelugde .. ..		320	Bhogoli .. ..	*
a	Dhangarwada .. ..		a	Raichiwadi .. ..	
301	Kodali .. ..		b	Kangundwadi .. ..	
a	Gulamb .. ..		321	Plini .. ..	
b	Kalasgadde .. ..		a	Dhangarwada .. ..	
c	Dhangarwada .. ..		322	Sundli .. ..	
302	Parle .. ..		a	Karekundi .. ..	
a	Dhangarwada .. ..		b	Mahipalgad .. ..	
303	Gudavle .. ..		323	Mandedurg .. ..	*
a	Dhangarwada .. ..		324	Kavalgi .. ..	
b	Beradwada .. ..		325	Chandgad (kasba) .. ..	
304	Waghotre .. ..		a	Desaiwada .. ..	
305	Isapur .. ..		326	Sulaye .. ..	
a	Sivanhal or Sivlaniwada .. ..		327	Shevale .. ..	*
306	Mirvel .. ..		328	Uchavde .. ..	
a	Namkol .. ..		329	Ranakunde .. ..	
307	Pargad .. ..				

\* Villages that had petitioned for exemption but were refused.

## KONKAN EDUCATION SOCIETY : ACCOUNTS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they have seen the annual report of the Konkan Education Society ;

(b) whether they have made any inquiry about the defaults in the accounts of the Konkan Education Society detected by the District Local Board, Kolaba, in the industrial branch of the society and published in the *Kolaba Samachar* of 12th February 1927 ;

(c) if not, whether they propose to do so ;

(d) whether it is a fact that the Council of the Society has decided that the ordinary members of the society—contributors—have no right to check the accounts and go through the minute books ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Enquiries are being made.

## LIQUOR SHOP AT MULSHI CAMP

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state whether the liquor shop at Mulshi Camp has been opened on public demand or on the initiative of the Department ?

The Honourable Mr. G. B. PRADHAN : No liquor shop has been opened at Mulshi Camp.

## GUNS FOR FOREST RANGERS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state whether they have sanctioned the use by forest rangers of guns for self-defence ?

The Honourable Mr. G. B. PRADHAN : No. No such proposal has been received by Government.

## PHOTO-COPYING SYSTEM IN REGISTRATION DEPARTMENT : COST

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) the number of cameras at present working under the photo-copying system in the Registration Department and the price of each one ;

(b) the price of the accessories of these cameras ;

(c) the approximate period for which each of the cameras is likely to be fit for use and the number of photos expected to be taken from each camera till it is rendered out of use ?

(d) the approximate proportionate cost of the camera per each photo taken (according to the total number of photos expected to be taken from each camera) ;

(e) whether the amount of Rs. 26,434 (shown to be the amount of expenditure for the establishment, chemicals, postage, etc., for documents photographed in 1925-26) includes the proportionate cost of

the initial charges of the cameras; if not, what would be the proportionate cost of the cameras for the year 1925-26;

(f) the amount of photo fees recovered for the said year 1925-26;

(g) the amount of copying fee that would have been recovered from parties if the documents were copied by hand;

(h) whether the parties have to pay more for copying under the photo-system or hand-copying system?

The Honourable Mr. G. B. PRADHAN: (a) Four. These are not cameras in the ordinary sense of the term. They are lenses with a dark room behind them. The lenses cost about Rs. 625 each.

(b) About Rs. 465.

(c) The lenses are everlasting. About 88,000 sides can be taken from each lens during one year.

(d)  $1\frac{2}{3}$  pies for a negative and .07 pie per page photographed.

(e) No. The lenses were in the possession of Government for some time before 1925-26 and the very small sinking fund needed is not charged in the accounts of the year. A sum of about Rs. 10 only may be taken to represent this.

(f) Rs. 20,096 in the mofussil, Rs. 9,818 in Bombay City.

(g) Rs. 19,847 in the mofussil, Rs. 16,175 in Bombay City.

(h) In the mofussil the parties have to pay only a little more for photo copies (a fraction of an anna per document). In Bombay City the public pay less for photo copies than for manuscript copies.

#### KONKAN EDUCATION SOCIETY: BUILDING GRANT

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(a) what amount the Konkan Education Society has expended upon its building;

(b) what is the amount of the grant given by Government to the society for the building?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) The Konkan Education Society has several High Schools. The only building on which a grant has been given is the Roha High School, erected at a cost of Rs. 45,000 towards which Government gave a grant of Rs. 7,000.

#### ECONOMIC ENQUIRY COMMITTEE: RESULTS

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the result of the work of the Government of India's Economic Enquiry Committee appointed in 1925?

The Honourable Sir CHUNILAL MEHTA: As the Committee mentioned was a Government of India Committee, the Honourable Member is requested to have his question put in the Central Legislature.

## CANDIDATE CLERKS, SATARA DISTRICT

Mr. S. C. JOSHI : Will Government be pleased to state —

(a) the date from which the system of employing candidates for doing the work of clerks was abolished in the Satara District ;

(b) whether the practice of employing candidates to do the work of clerks without Government paying any remuneration to them for such work is still in force in any other District than Satara ;

(c) whether such practice was or is in force in any other Department than the Judicial Department ?

The Honourable Mr. J. E. B. HOTSON : (a) to (c) Enquiries are being made.

## MURDER CASES IN KANARA

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state :—

(a) the number of murder cases in the district of Kanara in each of the years of 1924, 1925, 1926 and in the year 1927 up to August 31st ;

(b) how many of them were detected and how many remained undetected ;

(c) whether they are aware that there is a discontent both in the press and outside of it about the non-detection of these heinous crimes ;

(d) whether it is a fact that murder cases are more frequent now-a-days than before 1921 ;

(e) what steps they intend to take in the matter ?

The Honourable Mr. J. E. B. HOTSON : Information is being obtained.

## DEATH OF A SANYASI IN KANARA

Mr. M. D. KARKI (Kanara District) : Will Government be pleased to state —

(a) whether it is a fact that the dead body of Shri Krishnanand Swami, a *sanyasi* and the religious head of the Sonar community, was found floating one morning in the month of February last in the Sharavati creek near the landing stage within the municipal limits of the town of Honavar at a distance of five miles from his Ashram (residence) ;

(b) whether the death of the swami was due to murder, accident or suicide ;

(c) what was his age and physical condition when he died ;

(d) if the death was due to murder, whether it was detected and the culprits were brought to book ;

(e) if not, what steps are being taken to trace the murderers ;

(f) whether it is a fact that the residence of the *sanyasi* was situated in the populated portion of the town ?

The Honourable Mr. J. E. B. HOTSON : Enquiries are being made.

## TOTAL REVENUE IN KANARA

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state—

(a) the amount of revenue from tolls on Public Works Department roads in Kanara in each of the years of the last triennial period ;

(b) whether there is any increase in the amount in each or any of the succeeding years of that period ;

(c) if so, the reasons for such increase.

The Honourable Sir GHULAM HUSSAIN :

				Rs.
(a)	In 1925-1926 ..	..	..	43,765
	In 1926-1927 ..	..	..	45,150
	In 1927-1928 ..	..	..	56,115

(b) There were increases in revenue in each of the two years following the year 1925-1926.

(c) The increase of about Rs. 1,400 in the revenue for the year 1926-1927 over that of the year 1925-1926 was not appreciable. The increase of about Rs. 11,000 during the year 1927-1928, as compared with the revenue of 1926-1927, is mainly due to the increase in motor traffic on almost all the roads in the Kanara Division.

## TOLSAN-KODIGADDE ROAD

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state—

(a) whether they are aware that the Member of the Legislative Council for Kanara has tabled a resolution recommending the opening of a road between Tolsan in Honavar taluka and Kodigadde in Siddapur taluka in the session of February 1926 ;

(b) whether they are aware that he had also forwarded on 24th May 1925 a copy of the memorial to Government from the landholders and members of Salkod Co-operative Society of Salkod, Taluka Honavar, to the Honourable the Minister for Local Self-Government on the subject with his remarks ;

(c) whether any enquiry was made by them in regard to the subject matter of the resolution and correspondence referred to in (a) and (b) respectively ;

(d) if so, what was the result of the enquiry and why the Member of the Legislative Council was not informed of the result of the enquiry though his letter or endorsement forwarding the memorial referred to in part (b) was acknowledged by them in their Public Works Office letter No. S.—92/11476-W., dated 10th June 1925 ;

(e) in view of the urgency of the road for the expansion of and increase of facilities of cultivation in the inland villages of Siddapur and Honavar talukas, whether they have considered the desirability of opening that road in the near future ?



The Honourable Sir GHULAM HUSSAIN :

- (a) Yes.
- (b) Yes.
- (c) Yes.
- (d) The matter is still under consideration. No further communication was made as no final decision has yet been reached.
- (e) Please see the opening portion of the reply to question (d).

#### LAND GRANTS : BLIND RELIEF FUND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that Mr. Henderson, the Collector of Thar Parkar, had cancelled the sanction of the land granted to Muhammad Ali Junejo, Zamindar, Sangar, and on appeal the Commissioner in Sind had restored the same land ;

(b) after what period and on what date the order of sanction of land was given to Muhammad Ali Junejo ;

(c) how much Muhammad Ali Junejo has paid towards the Blind Relief Fund and when ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) The Commissioner's order restoring the land is dated 9th December 1926, and it was communicated to Muhammad Ali Junejo through the Deputy Collector by the Collector's No. 2899-R, dated 22nd March 1927.

(c) Rs. 1,500 on 2nd April 1927.

Rs. 100 on 2nd May 1927.

Rs. 100 on 24th May 1927.

#### EKSALA GRANTS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that in the talukas of Khipro, Sanghar and Samaro the "Sailabi lands" are granted to men on "Eksala grant" from the beginning of British Rule ;

(b) if the reply be in the affirmative, whether it is a fact that Mr. Henderson has forbidden the grant of "Eksala land ;"

(c) whether it is a fact that Mr. Henderson intends to put these lands on auction and demands money for the Blind Relief Fund from those who want to have "Eksala land ;"

(d) whether it is a fact that Mr. Henderson has stopped giving "Eksala land" because people cannot pay owing to their poor circumstances ;

(e) whether there has been any precedent for putting "Eksala land" to auction ;

(f) if not, whether they have taken or propose to take any notice of this attitude of Mr. Henderson ?

The Honourable Mr. J. I. RIEU : (a) Government cannot say whether land in these talukas has been given out on "eksali" tenure for

“sailabi” cultivation ever since the beginning of British rule in Sind.

(b) Mr. Henderson has not forbidden the grant of land on “eksali” tenure.

(c) Some lands have been auctioned, but none of the purchasers was asked to contribute to the Blind Relief Association.

(d) No.

(e) No.

(f) The Collector has been instructed to stop the disposal of land for Eksali cultivation by auction.

#### URDU SECONDARY SCHOOLS, SIND

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the number of boys desirous of prosecuting their studies with Urdu as their vernacular after passing the fourth standard vernacular from municipal as well as other primary schools in Karachi, and who are refused admission in the secondary schools there;

(b) whether they are aware that about 200 boys learning Urdu from various local primary schools are expected to appear for the 4th standard examination to be held under the supervision of the School Board, Karachi, and that the seats available in the Sind Madressah Secondary School are less than this number;

(c) whether they are aware that this was brought to the notice of the Honourable Minister for Education during his last visit to Karachi by a deputation of leading citizens and that the Honourable Minister had promised to look into the desirability of making necessary arrangements in the local N. J. High School for Urdu 1st standard English in addition to similar Gujarati, Marathi and Sindhi standards;

(d) if so, what steps have been taken to redress that grievance; if no steps have been taken, the reason therefor;

(e) whether they have formulated any scheme to meet the desire of an increasing number of students to take Urdu as their second language;

(f) if so, what the scheme is;

(g) whether they are aware that several representations from Karachi have been made for the grant of permission to take up Urdu language in the secondary scholarship examination as is done in Bombay Presidency in the case of Mussalman candidates;

(h) the reason why they have not removed the condition in the secondary scholarship examination rules forbidding the taking up of Urdu language in the secondary scholarship examination in Sind;

(i) what steps they intend to take in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) and (b) and (d) to (i) Information has been called for.

(c) There is nothing on the record to show whether the grievance referred to in part (b) was specifically brought to the notice of the late Honourable the Minister of Education.

## LLOYD BARRAGE : EXCAVATION OF EARTH WORK

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state, giving separate figures for dry and wet excavations—

(a) the quantity of earth work dredged by the dredgers at the Lloyd Barrage and the rate per 1,000 cft. at which it was done;

(b) the total quantity of earth work done by departmental hand labour or by mechanical contrivances and railed by tippers and the rate per 1,000 cft. at which it was done;

(c) the total quantity in cubic feet of earth work done by different contractors, giving the names of the contractors, the rates mentioned in the contract, and the rates per 1,000 cft. actually paid?

The Honourable Sir COWASJI JEHangIR: The information has been called for.

## LLOYD BARRAGE : MANUFACTURE OF CONCRETE STONES

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) the total cost of machinery purchased for the Lloyd Barrage for the manufacture of concrete stones;

(b) the total cost up to date of moulds;

(c) the total cost of preparing the yards;

(d) the total cost of the regular establishments including the share of the cost of the Superintending and Chief Engineers and their establishment;

(e) the total cost of temporary establishments;

(f) the total cost of work charged establishments;

(g) the total quantity in cubic feet of blocks manufactured;

(h) the cost per cubic foot (i) of materials, (ii) of labour, including all establishments;

(i) the number of cement concrete blocks manufactured, giving the sizes and proportions of materials used;

(j) the number of hydraulic lime concrete blocks manufactured, giving the sizes and proportions of materials used;

(k) whether it is a fact that it is possible to get natural stones of same sizes at less cost from local quarries?

The Honourable Sir COWASJI JEHangIR: The information has been called for.

## HIGHER EDUCATION : GOVERNMENT SCHOLARSHIPS FOR MUHAMMADANS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) what the number of Government Muhammadan Scholarships for Arts Course is and what the number of Government Muhammadan Scholarships for non-Arts course is;

(b) whether it is a fact that there are very few Scholarships for non-Arts courses such as Engineering, Medicine, etc.?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) There are 90 scholarships for the Arts Course for Muhammadans (22 sets each tenable for four years *plus* 2 additional scholarships for First Year Course) and 42 Scholarships for them for non-Arts Courses as detailed below :—

*Number of Scholarships*

(1) Engineering	..	9	(3 sets each tenable for three years)
(2) Medicine	..	12	(3 sets each tenable for four years)
(3) Commerce	..	3	(1 set tenable for three years)
(4) Law ..	..	6	(3 sets each tenable for two years)
(5) V. J. Technical Institute	..	12	(3 sets each tenable for four years).

(b) The actual facts have been given in the answer to part (a) of the question. It may, however, be stated that the number of Scholarships set aside for Muhammadans at the College of Engineering and the Sydenham College of Commerce have not yet been fully taken up.

BUNDS OF CANALS, ETC., SIND : INCREASE OF WIDTH

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether it is a fact that in olden times the width of bunds of canals in Sind was 8 feet ;

(b) whether it is a fact that in olden times the width of the bridges over canals was 6 feet ;

(c) whether it is a fact that the width of the bunds is increased to 12 feet and bridges to 10 feet ;

(d) whether it is a fact that in olden times the officers used to travel on horse's or camel's back during their tours ;

(e) whether it is a fact that now-a-days the officers travel by motor cars ;

(f) whether it is a fact that the old width of bunds and bridges was very inconvenient for travel by motor car ;

(g) whether it is a fact that the width of the bunds and bridges has been increased for the facility of travelling by motor cars ;

(h) what is the total cost for increasing (i) the width of bunds, (ii) the width of bridges ;

(i) whether the estimates for (h) were sanctioned by Government ;

(j) if the reply to (i) is in the affirmative, when they were sanctioned and in how many stages ;

(k) what are the special reasons for the increase in the width of bunds and bridges ;

(l) who is responsible for this work ;

(m) what action Government proposes to take ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

**TAKAVI : JAMESABAD AND DIGRI TALUKAS, SIND**

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether they are aware that small khatedars in Jamesabad and Digri talukas have received up to Rs. 100 as takavi from Government ;

(b) whether it is a fact that this amount will not be sufficient for their maintenance, seeds for rabi crop, purchase of cattle and rebuilding of houses ;

(c) if so, what further help Government propose to give them ;

(d) whether it is a fact that tapedars are receiving seven per cent. as their *lapo* from these takavi loans ?

The Honourable Sir CHUNILAL MEHTA : Information is being collected.

**TAKAVI : THAR AND PARKAR DISTRICT, SIND**

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether they are aware that big zamindars in flood affected areas in Thar and Parkar district have received from Rs. 1,000 to Rs. 4,000 each as takavi loan from Government ;

(b) whether it is a fact that they have to pay ten per cent. for the Blind Relief Fund and ten per cent. as *lapo* to tapedars and other officials from this takavi loan ;

(c) whether it is a fact that zamindars refusing to pay this 20 per cent. out of their takavi loans have not been given any takavi ?

The Honourable Mr. J. L. RIEU : (a) Yes.

(b) and (c) Government decline to answer.

Mr. H. B. SHIVDASANI : Why do Government decline to answer ?

The Honourable Mr. J. L. RIEU : The question contains an outrageous imputation for which no sort of foundation has been shown to exist.

Mr. HAJI MIR MAHOMED BALOCH : Are Government in possession of any information on that point within the last 4 or 5 days ?

The Honourable Mr. J. L. RIEU : I have nothing to add to what I have already stated.

**KARACHI CANALS DIVISION (SIND) : WORKS**

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the number of works done by the Executive Engineer, Karachi Canals Division, during the last three years ;

(b) the number of works for which tenders were invited and the names of the papers in which the advertisements were published ;

(c) the number of works done without inviting tenders ;

(d) whether it is a fact that in certain cases the Executive Engineer gave the contracts to the contractors when only one tender was

received instead of inviting fresh tenders and if so the reasons for doing this ;

(e) whether it is a fact that one Motumal Balchand whose name was struck out from the list of approved contractors by Mr. Maneckji, the former Executive Engineer of the Division, is being given contracts by the new Executive Engineer ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### KARACHI CANALS DIVISION (SIND) : CONTRACTORS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the number of approved contractors in the Karachi Canals Division ;

(b) the total number of contractors and total cost of works given to each—

(i) Mussalmans. (ii) Hindus in the years 1924-25, 1925-26 and 1926-27 ;

(c) the total number of contractors and total cost of works given before the time of the present Executive Engineer to each—

(i) Mussalmans, (ii) Hindus in the years 1921-22, 1922-23 and 1923-24 ;

(d) whether it is a fact that an old Mussalman contractor of 25 years' standing was not given the work of Rest Landi for Subordinates at Sujawal though his tender was the lowest, but the work was given to a new Hindu Contractor though his tender was not the lowest ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### LLOYD BARRAGE : CONSTRUCTION OF CANALS ON HEAD WORKS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the names of the contractors who got the contracts for construction of the Head Works of the Canals, taking off about the Lloyd Barrage at Sukkur on both the Left as well as Right Banks of the Indus River, and also

(b) the cost of the Masonry work done by each Contractor from the beginning of the last winter till the end of June 1927 ;

(c) the rate and description of each item of the work done by each of them ;

(d) whether they are aware that the main item of work was construction of floors and piers ;

(e) whether they are aware that the labour portion of the work was let out to the contractors all materials ready made being delivered by Government at the site of the work ;

(f) whether they are aware that the labour rate of this class of work, i.e., building random rouble (rubble ?) of masonry in wide and deep foundation and very thick and low walls was Rs. 20 per 100 cft. only for supplying labour ;

(g) whether they are aware that these contractors sublet the same works to petty contractors at Rs. 6 per 100 cft. ;

(h) if the statement in (g) is correct, the amount of loss that has been borne by Government due to Engineers having allowed rates nearly 350 per cent. more than were reasonable ;

(i) whether these contracts were let out on F1, F2, or A2 forms ;

(j) whether it was possible for Government to cancel the work at any stage when they found out that the rates allowed were too high ;

(k) what were the special difficulties which necessitated employment of these big contractors and whether these difficulties would not have been overcome by the Engineers themselves ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### LLOYD BARRAGE : CONSTRUCTION OF CANALS ON HEAD WORKS

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) whether regular progress reports for daily works done and labour employed by each Contractor on the construction of works on the Lloyd Barrage Canals were sent in by Sub-Divisional Officers to the Executive Engineer ;

(b) if so please state the number of masons and coolies employed by each Contractor in a tabular statement showing fortnightly totals ;

(c) the fortnightly rates struck on the bases of the above statement ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### LLOYD BARRAGE : STONE DRESSING

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the number of stone dressing machines working at the workshop at Sukkur ;

(b) the cost of each ;

(c) cost of daily running expenses ;

(d) the rate of dressing stone per cft ;

(e) whether they are aware of the reports that these machines are not working efficiently ;

(f) whether they are aware of the reports that these machines are not able to dress hard stones usually available from the same quarry ;

(g) whether they are aware that a certain number of masons are employed for dressing the harder portions and that most of the time these masons sit idle ;

(h) whether they are aware that the stones are being dressed and used in the construction on edges instead of their natural bedding ;

(i) whether they are aware of the danger of these stones flaking off and resulting in failure of structures ;

(j) why it is still found necessary to employ masons for dressing stones inspite of the huge expenditure on dressing machines and mechanical staffs ;

(k) the comparative rates for dressing stones by manual labour and by machines ?

The Honourable Sir COWASJI JEHANGIR : The information has been called for.

#### TIMBER REMOVAL PASSES

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(a) whether it is a fact that the Talatis alone are authorised to issue passes for the removal of fire-wood or timber from one place to another ;

(b) whether Government are aware that Talatis have often to be absent from their villages on official duty and such absence causes inconvenience to the villagers in the matter of procuring such passes ;

(c) whether there is any objection to the necessary authority being given to the Police Patils to avoid such inconvenience ;

(d) if not, whether Government intend to take any steps to remove this grievance of the public ?

The Honourable Mr. G. B. PRADHAN : (a) Presumably the honourable member refers to the practice prevailing in the Ratnagiri District in respect of the issue of transit passes for forest produce under No. 4 (c) of the Bombay Presidency Forest Produce Transit Rules, 1922. Under this rule the revenue patel of the village or the village accountant is authorised to issue passes for the removal of fire-wood or timber.

(b) No such complaints have been received.

(c) and (d) Government will consider the suggestion made by the honourable member.

Mr. B. R. NANAL : Why should in the Ratnagiri district alone that practice of the talatis issuing passes be maintained ?

The Honourable Mr. G. B. PRADHAN : The question will be considered.

#### VACCINATION DEPARTMENT : CONTRIBUTION BY LOCAL BOARDS

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(a) the year from which the Local Boards have been made to contribute to the expenditure incurred on the Vaccination Department and its employees, within their respective jurisdictions ;

(b) the rules, if any, by which such contributions are regulated ;

(c) the proportions in which the extra expenditure is shared between Government and the Local Boards ;

(d) whether the Local Boards possess any control over the staff employed by the Department within their areas ;

(e) if the answer to the last question is in the affirmative, the nature and extent of that control ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The Local Boards began to contribute to the expenditure on vaccination from



the year 1871-72. The vaccination establishment was reorganised in the year 1872 and the Local Boards were enjoined to pay the contributions.

(b) The principles regulating the contributions were :—

(1) that each taluka should be provided with an itinerant vaccinator,

(2) that each vaccinator should be paid from the Local Funds.

It is an obligatory duty of the Local Boards under section 50 (e) of the District Local Boards Act, 1923, to make adequate provision for public vaccination.

(c) The expenditure on account of the vaccinators serving under the Local Boards is met by them. Government, however, bear the following expenditure. When the pay of vaccinators was revised in 1919, Government agreed to bear half the cost of the revision and subsidies are paid to each Local Board on account of the Government's share. The pay of the vaccinators was further revised in 1921 when a time scale pay, viz., Rs. 30—1—50 per mensem was sanctioned for them. The extra cost on account of this scale over and above the total of the original pay and the temporary and provisional allowance is charged to provincial revenues. The liability of Government on this account is, however, subject to reconsideration when new revenues from taxation are placed at the disposal of local bodies. The cost borne by Government is in the nature of contribution to be continued by them so long as their financial circumstances permit. Government undertake to make a contribution of Rs. 5 per mensem per candidate vaccinator, provided the local body gives pay of Rs. 20—1—25 per mensem to the candidate vaccinator. Government also undertake to make a contribution of Rs. 5 per mensem per vaccinator maintaining a pony (or equivalent) on condition that the Local Boards in the Ratnagiri and Kanara Districts pay Rs. 10 per mensem and those in the remaining districts pay Rs. 20 per mensem on this account. No recovery on account of pension and leave contribution is made on account of vaccinators as these officers are exempt from the payment of the contribution.

(d) and (e) All vaccinators paid from Local Funds are subordinate to the Public Health Department except in the Surat, West Khandesh, Sholapur, Bijapur and Sukkur Districts, where the control of vaccination has been transferred to the Local Boards. In these districts vaccinators are employed by the Local Boards and are under their control as other local employees.

Mr. B. R. NANAL : May I know why only in the case of some districts the control over the vaccinators should be given to the district local boards while in others not ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Because an experiment was tried in five district local boards only while in others no experiment was made.

Mr. P. R. CHIKODI : May I know the five districts ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not remember the others except Surat.

Mr. P. R. CHIKODI : Since when has this experiment been tried ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Before 1925 that experiment was tried in five districts.

#### VERNACULAR READERS : TRADE DISCOUNT

Mr. B. R. NANAL (Ratnagiri District) : Will Government be pleased to state—

(a) what rate of trade discount was allowed by the contractors of Government vernacular readers in pre-war days and since what time and under what circumstances the rate of 10 per cent. was first introduced ;

(b) what margin of profit the rate of 10 per cent. was expected to leave to the retail sellers after excluding all trade expenses ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The attention of the honourable member is invited to the Government Press Notes no. 3132, dated the 12th December 1916, and no. 471, dated the 24th February 1917, copies of which will be found in the reading room of the Legislative Council.

(b) If the whole sale dealers and village dealers are eliminated, a profit of 5 per cent. is likely to accrue to the retail dealers.

#### TRAINING COLLEGE, POONA : ADDITIONS AND ALTERATIONS

Mr. N. E. NAVLE (Ahmednagar District) : Will Government be pleased to state—

(a) whether it is a fact that Government have sanctioned additions and alterations to the out-houses of the Male Training College, Poona ;

(b) if so, what is the amount sanctioned for the purpose ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) Rs. 17,107.

Mr. N. E. NAVLE : In view of the decrease in the number of students is it necessary to incur this expenditure ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I want notice of that question.

Mr. N. E. NAVLE : Is it a fact that the expenditure is being incurred for the construction of a separate building for Brahmin students only ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I do not know anything exactly about it ; if it is so, it is because the non-Brahmin students objected to use the same dining room with the Brahmins. Some trouble arose and it may be on that account some provision has to be made.

Mr. B. V. JADHAV : Is it not a fact that the Brahmins objected to dining with non-Brahmins ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Originally the objection came from the non-Brahmins.

Mr. N. E. NAVLE : Is it not a fact that there is enough room available for providing kitchen to Brahmins ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not aware of it.

Mr. B. V. JADHAV : Did not non-Brahmins take food served by Brahmins ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Mr. B. V. JADHAV : Did the non-Brahmins object to dining with Brahmins ?

The Honourable Dewan Bahadur HARILAL D. DESAI : So far as I know they wanted a partition.

Mr. J. C. SWAMINARAYAN : As the whole building grant is Rs. 20,000 in the budget of the current year will not this consume almost the whole of the building grant ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The honourable member is a mathematician and he can see himself.

MOULVI RAFIUDDIN AHMAD : Should this communal fight cost Government Rs. 17,000 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The situation is inevitable and something has to be done.

#### CHALISGAON COURT : WATER SUPPLY

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) whether they are aware that there is no arrangement about water supply in the Court compound at Chalisgaon and that this causes considerable trouble to the litigants and persons who have to come to Court particularly in the hot season ;

(b) whether they are aware that the Subordinate Judge, Chalisgaon, and the members of the Chalisgaon Bar have been making representations in this connection for several years past ;

(c) what steps they propose to take to remove this inconvenience at an early date ?

The Honourable Mr. J. E. B. HOTSON : (a) The wells in the compound have gone dry. In the hot season arrangements are made to supply water.

(b) Government have not received any such representation.

(c) The matter is under consideration.

Mr. H. V. PATASKAR : May I know whether the arrangements are made by Government ?

The Honourable Mr. J. E. B. HOTSON : So far as I know they are made by Government.

Mr. H. V. PATASKAR : Is it not a fact that the vakils have to contribute something towards it ?

The Honourable Mr. J. E. B. HOTSON : I am afraid I cannot tell the honourable member off-hand without notice.

**DEPUTY DIRECTORS OF AGRICULTURE : TRAVELLING  
ALLOWANCE**

**Mr. H. V. PATASKAR** (East Khandesh District): Will Government be pleased to state—

(i) the amounts paid by way of travelling allowance in the years 1925 and in 1926 to—

(a) The Deputy Director of Agriculture, North Central Division,

(b) The Deputy Director of Agriculture, South Central Division,

(c) The Deputy Director of Agriculture, Gujarath,

(d) The Deputy Director of Agriculture, Dharwar (Karnatak),

(ii) whether any amount by way of maximum has been fixed with regard to the travelling allowance to be paid to a Deputy Director of Agriculture?

The Honourable Mr. G. B. PRADHAN :

			1925-26	1926-27
			Rs.	Rs.
(i)	(a)	.. .. .	3,258	3,278
	(b)	.. .. .	2,989	1,530
	(c)	.. .. .	4,038	3,657
	(d)	.. .. .	4,328	3,312

(ii) The expenditure on travelling is limited to the budget provision made for the travelling allowance of the Deputy Director and his staff.

**Mr. P. R. CHIKODI** : Do Government intend to introduce permanent travelling allowance for these officers?

The Honourable Mr. G. B. PRADHAN : I require notice, because that will have to be enquired into.

**Mr. P. R. CHIKODI** : Do Government know that other officers in other departments have been given permanent travelling allowance?

The Honourable Mr. G. B. PRADHAN : When an official has to tour over several districts I do not think he is given a permanent travelling allowance.

**Mr. P. R. CHIKODI** : Other touring officers in other departments are given permanent travelling allowance?

The Honourable Mr. G. B. PRADHAN : Some of them are.

**Mr. H. V. PATASKAR** : Why should not Government apply the same rule in the case of these officers?

The Honourable Mr. G. B. PRADHAN : If the honourable member gives notice I will make enquiries.

**NAGARDEOLA STATION PLATFORM**

**Mr. H. V. PATASKAR** (East Khandesh District): Will Government be pleased to state whether they are aware of the necessity of a suitable platform at Nagardeola Station on the G. I. P. Railway as there is considerable passenger traffic there.

The Honourable Mr. J. L. RIEU : Yes. The Railway Administration have now arranged for a low-level platform to be provided.

Mr. H. V. PATASKAR : May I know whether the platform has been provided or is to be provided ?

The Honourable Mr. J. L. RIEU : Arrangements are being made but it has not yet been actually constructed.

#### GOVERNMENT SERVANTS, NANDURBAR : WATER SUPPLY

Mr. H. V. PATASKAR (East Khandesh District) : Will Government be pleased to state—

(a) whether they are aware of the fact that every clerk in Government service at Nandurbar has to spend not less than five or six rupees per month for water carriage from the months of March to July every year ;

(b) if not, whether they propose to make any enquiry into the matter ?

The Honourable Sir CHUNILAL MEHTA : (a) and (b) Information has been called for.

#### FLOOD : DAMAGE AND RELIEF

Mr. H. B. SHIVDASANI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to place on the Council table general details—

(a) of the flood damage in Gujarat, Kathiawar and Sind during the last monsoon ; and

(b) of the measures of relief given by Government and non-official agencies ?

The Honourable Mr. J. L. RIEU : (a) The general details of the damage caused by the floods in Gujarat and Sind have been laid before the Council in the discussion on the demands for supplementary grants. This Government has no information about Kathiawar which is not within its jurisdiction.

(b) As in (a) in regard to the measures for relief taken by Government. The honourable member is referred to the non-official agencies for information about the measures which they have taken.

#### COMPULSORY PRIMARY EDUCATION, AHMEDABAD

Mr. H. B. SHIVDASANI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether the Compulsory Primary Education Act of 1923 came into operation in the city of Ahmedabad municipal area from 1st April 1925 ;

(b) whether in spite of over two years having elapsed the citizens are without the facility of having compulsory primary education ;

(c) whether it is a fact that the execution of such an important measure has been unduly delayed owing to the correspondence

between them and the Ahmedabad municipality having remained pending decision for several months ;

(d) whether by the 1st of April 1928 the Ahmedabad city will have the benefit of compulsory primary education ;

(e) the approximate amounts of additional burden which the Government and the Ahmedabad municipality will have to bear respectively during each of the first three years of compulsory primary education in Ahmedabad ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The Bombay Primary Education Act, 1923 came into operation in the Ahmedabad City Municipal Area on the date on which the Governor General's assent was given in February 1923, and it was put into force in the same area on the 1st April 1925.

(b) Yes.

(c) The delay in the first instance was due to the following facts, *viz.*, the scheme forwarded by the Ahmedabad Municipality was not submitted in the forms prescribed by the rules and did not contain all the necessary information to enable Government to examine it with a view to seeing how far it complied with the requirements of the Bombay Primary Education Act, 1923, and the rules thereunder nor did it specify clearly the immediate and ultimate financial liabilities which would devolve upon Government and the local authority. The local authority was accordingly called upon to supply all the requisite detailed information. When this information was received it was found that there were several points which required further elucidation and the local authority had to be further addressed in the matter. It should also be noted that the scrutiny of a compulsory education scheme for a big city like Ahmedabad necessarily takes considerable time. The recent delay in the issue of orders regarding the scheme has been solely due to the difficulty of finding funds from which to meet the extra cost to Government on account of it. In this connection the attention of the honourable member is invited to Educational Department Press Note No. 624-F, dated the 4th October 1927.

(d) No statement can be made on the point at present.

(e) Assuming that the scheme is introduced from the 1st June 1928, the approximate amounts of additional burden to be borne by Government and the Municipality in 1928-29 will be as follows :—

<i>Recurring</i>				Rs.
Government	..	..	..	83,928
Municipality	..	..	..	83,928
<i>Non-recurring</i>				
Government	..	..	..	22,500
Municipality	..	..	..	22,500

Figures of the estimated expenditure for 1929-30 and 1930-31 are not available, but it may be noted that the *average annual* cost of the scheme to Government and the Municipality will be Rs. 1,36,000 each approximately.

Mr. H. B. SHIVDASANI : With regard to (c), what is meant by the "recent delay" ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It will be found from answer (c) that the scheme as put forward was not in proper form and was wanting in certain details, and consequently there was correspondence over the matter. After that was gone over, the last delay was due solely to the difficulty of finding funds.

Mr. H. B. SHIVDASANI : For what period the scheme has been hanging fire due to want of funds ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Three months.

Mr. H. B. SHIVDASANI : Do Government consider that one lakh is excessively large ?

The Honourable Dewan Bahadur HARILAL D. DESAI : This is not the only amount ; there are several other schemes amounting to about ten to twelve lakhs.

Mr. H. B. SHIVDASANI : Are there several schemes relating to Ahmedabad city ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No. There are several schemes relating to other local authorities.

Mr. H. B. SHIVDASANI : All compulsory schemes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No ; many of them voluntary, and some compulsory.

#### KING EDWARD HOSPITAL : COMPLAINT ABOUT NEGLIGENCE

Mr. H. B. SHIVDASANI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(a) whether it is a fact that one Mr. D. M. Wadia, on or about the 21st August last, having met with an accident at Parel and having stood in need of immediate medical help was carried to the King Edward Hospital, Bombay, which was the nearest hospital but was not attended to for fully an hour and a half ;

(b) whether it is a fact that on his being brought to the hospital and put in a ward, on the operation table, he was informed by one Dr. Nariman who thought it to be a case of fracture of the arm that the surgeon who was to make preparation for X-ray would come and do it in a quarter of an hour ;

(c) whether in spite of Mr. Wadia being in such a condition neither a nurse nor a ward-boy was sent to him ;

(d) whether such a big hospital could not supply him with a urine bottle for passing urine, which he asked for, or a few drops of a stimulant of brandy which he stood in need of, owing to giddiness ;

(e) whether Mr. Wadia after waiting in suspense for medical aid for an hour and a half being about to leave the hospital, was persistently asked by some doctors who presumably came from an outing to give them in writing that he was leaving the hospital against the will of the doctors ;

(f) whether Mr. Wadia on account of his receiving no medical aid for so long a time had to seek admission in another private surgical home ;

(g) whether they intend to inquire into the complaint and place the facts on the table ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The facts are as stated except that Mr. Wadia was met on entering the Hospital by the Medical Officer on duty and was attended to immediately.

(b) Mr. Wadia was put on an examination table in the Casualty Room as is usual in such cases. As the attending Medical Officer wanted to make sure of its being a fracture, and to set it, preparations were ordered to be made to take a Radiogram ;

(c) The Medical Officer himself was in attendance most of the time ;

(d) A kidney tray was supplied to Mr. Wadia for passing urine in. A dose of stimulant mixture, such as was thought appropriate by the Medical Officer, was given to Mr. Wadia. Brandy was not indicated in the Medical Officer's opinion and so was not given.

(e) Mr. Wadia was not for more than 40 to 45 minutes in all in the Hospital. As he had at first consented to stay in the Hospital and as he subsequently changed his mind and wanted to leave, it was necessary in the interest of the Hospital that he should declare that he went away of his own free will.

(f) Efficient medical aid was forthcoming from the beginning. But as Mr. Wadia did not like to wait till the X-ray apparatus was ready, he left the Hospital of his own accord.

(g) A statement of facts by the Dean, King Edward Memorial Hospital, is placed on the table.

The facts are as under :—

1. Mr. Wadia was not in the King Edward VII Memorial Hospital for more than about 40 to 45 minutes as against his statement of an hour and a half. This has been verified by an actual reference, not only to the Casualty Register of this Hospital, but to the entries made in the Register of the ambulance office which supplied the ambulance to take Mr. Wadia from this Hospital to the Surgical Nursing Home.

2. Mr. Wadia was never placed on an Operation Table and left there unattended for 1½ hours as alleged. He was kept on the Examination Table of the type to be found in the Casualty Room of every Hospital. His various statements about the medical attendance he received are self-contradictory. He acknowledges being received by Dr. Nariman on entering the compound. He was also subsequently examined by Dr. Rustomji P. Mehta, Surgical Registrar of the Hospital, who is a senior Resident Officer. Emergencies of the kind from which Mr. Wadia suffered are always attended to by the Resident Medical Officers on duty. In this particular instance Dr. Nariman attended on the patient who, however, demanded the services of one of the Honorary Surgeons. On learning that the Honorary Surgeon on Casualty Duty was a personal friend of his, the patient and his friends persuaded upon Dr. Nariman to ring for him. The Surgeon was, however, not available at the time but was expected to come to his place in about quarter of an hour.

3. I have not enough staff sanctioned to permit the use of the X-ray apparatus at all hours, day and night. Even then Drs. Mehta and Nariman tendered special attention to Mr. Wadia in that they arranged to have the X-ray apparatus ready at that hour to make sure if there was a definite fracture. The arrangement for getting an X-ray photograph accounts for a substantial part of the forty minutes that Mr. Wadia was at this hospital. In any case, I feel sure, Mr. Wadia has by now realised that this much delay in arranging for the X-ray photograph and at that hour was not excessive.



4. I acknowledge that we do not keep soda water in the outdoor and casualty departments. So far no such necessity had arisen. I regret that this caused Mr. Wadia inconvenience and suffering.

5. About Brandy, however, Mr. Wadia is entirely wrong. Brandy is always available in the Dispensary, which is next door to the Casualty Department, but the Doctor in attendance thought that he was not justified in prescribing it. Brandy was, therefore, deliberately withheld on medical grounds by the Doctor and a mixture was given instead. I feel sure he was wise in the decision.

6. Mr. Wadia is not accurate in his statement with reference to passing urine. Dr. Nariman asserts that it was not one of Mr. Wadia's friends but it was he himself who undressed Mr. Wadia and helped him with a kidney tray instead of asking a Ward Boy to do so.

7. The statement that no Hospital Assistant thought even of cleaning Mr. Wadia's bruises is at complete variance with what Dr. Nariman states. Dr. Nariman says that Mr. Wadia suffered from slight abrasions which he himself cleansed with rectified spirit. It is possible that there may have been some dirt on Mr. Wadia's clothes which may have remained unattended to.

8. No students ever touched Mr. Wadia who resented being attended to by anybody except the Honorary Surgeon on Casualty Duty. The Hospital Rules do not require the attendance of the Honorary Staff except in cases of gravity and real emergency.

9. The statement attributed to the Sister-in-charge of the Outpatient and X-ray Department, who is reported to have "coolly" told the patient that this was a poor man's hospital is given without context. When one visitor with the patient said "We are Wadias and can pay anything," the Sister informed him that it was not necessary as this was a charitable hospital.

#### COUNCIL RESOLUTIONS : ACTION ON

Mr. H. B. SHIVDASANI on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to place on the Council Table a list containing the following information for each of the years from 1924 to 1927 ;

(a) resolutions moved by non-official members of the Council and adopted by a majority with dates of their adoption ;

(b) action taken by Government on each of them with dates in each case ;

(c) reasons for not taking action in certain cases, if any ;

(d) whether any action is intended to be taken on such resolutions which remain without effect ; and, if so, when and in what form ;

The Honourable Sir CHUNILAL METHA : (a), (b), (c), (d)

A statement\* furnishing the information required is placed on the Council table.

#### FLOODS, GUJARAT : RELIEF

Mr. J. R. PATEL (Kaira District) : In connection with the Press Note No. 149 dated 10th August 1927, will Government be pleased to state—

(a) what amount has been spent by Government in each taluka of the affected area—

(i) for the supply of food, clothing and provision of temporary shelter ;

(ii) by way of tagavi grants to agriculturists (1) for the restoration of land, (2) for the purchase of seed and cattle, and (3) for the rebuilding of houses ;

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\* Kept in the Secretary's office. (Now printed as appendix A.)

(b) what measures were adopted by the Department of Agriculture—

(i) to make the supplies of seed, implements of agriculture and bullocks immediately available at the places required; and

(ii) to advise people whose lands had been damaged whether the lands can be re-sown and if so with what crops;

(c) the extent to which the assistance of the Department was availed of by the people in the affected areas;

(d) how many bullocks useful for work in the fields they were able to secure from Pinjrapoles and Gowrakshaka Shalas and how were they disposed of;

(e) what arrangements have been made to supply timber and other building materials through the Forest Department and how far have people availed themselves of such arrangements;

(f) which agencies were administering charitable and other funds and trying to relieve distress before Government help was made available?

The Honourable Mr. J. L. RIEU : (a) Full figures cannot be made available until the relief operations are completed.

(b) and (c) The Joint Director of Agriculture at once visited Gujarat and every available member of the Agricultural Department was drafted there to advise the agriculturists. In regard to the resowing of their lands a sum of Rs. 10,000 was placed at the Director's disposal for the purpose.

(d) Information has not yet been received by Government.

(e) Dépôts for timber procured from the Forest Department have been opened at various centres under the general control of the Flood Relief Officer. Statistics are not yet available as to the extent to which the people have availed themselves of these facilities.

(f) A number of agencies announced their activities in the early days of the floods, but Government are not aware that these preceded the efforts of their own officers.

Mr. J. R. PATEL : As regards (e), may I know at what places the dépôts for timber have been opened?

The Honourable Mr. J. L. RIEU : Up to the present, Nadiad, Broach and Ahmedabad.

#### AGRICULTURAL DEPARTMENT : DEPUTY DIRECTORS

Mr. J. R. PATEL (Kaira District) : Will Government be pleased to state—

(a) whether they have received by now the orders of the Government of India on the recommendations of the Royal Commission on the Superior Civil Services in India;

(b) if so, what decision they have arrived at as regards the recommendation of the Retrenchment Committee of substitution of 7 Provincial officers on Rs. 250—500 per mensem for 7 Imperial officers on Rs. 500—1,750 per mensem as Deputy Directors in the Agricultural Department?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) The question is under the consideration of Government.

## PROVINCIAL REVENUE : BOMBAY CITY'S CONTRIBUTION

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) what amounts were contributed last year under each head of revenue by the City of Bombay to Provincial revenues and the total amount so contributed ;

(b) the proportion of Bombay City's contribution to the total revenue of the Presidency ?

The Honourable Sir CHUNILAL MEHTA : (a) and (b) As Government accounts are not maintained by districts or by towns, figures of revenue for the City of Bombay cannot be extracted without the appointment of a special staff in the Accountant General's Office. Moreover, it is not at present possible to obtain final figures of revenue under all heads for the last financial year, as the accounts for that year have not been finally closed. Such approximate figures of revenue in Bombay City during 1925-26 as can be gleaned from the departmental reports are mentioned below :—

					Figures in thousands of Rupees
Land Revenue ..	..	..	..	..	12,39
Excise ..	..	..	..	..	1,02,02
Stamps ..	..	..	..	..	86,59
Registration ..	..	..	..	..	2,05
Scheduled Taxes ..	..	..	..	..	13,04
					2,16,09

Figures of revenue for Bombay City under other heads *e.g.*, Police, Education, Medical, Public Health and Miscellaneous Departments are not separately available in the Departmental reports, but since the total revenue under those heads for the whole of the Presidency amounts to only Rs. 54½ lakhs the share contributed by Bombay City cannot be very large.

## PROSTITUTION IN BOMBAY CITY

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) the number of brothels in the city of Bombay ;

(b) the number of prostitutes of different nationalities and communities such as English, French, Russian, Spanish, Italian, Anglo-Indian, Jew, Japanese, Hindu and Mahomedans residing in the city of Bombay ;

(c) the number of children in the brothels in Bombay ;

(d) in how many cases the Children Act has been applied for removing children from immoral surroundings ?

The Honourable Mr. J. E. B. HUTTON : The information is being obtained.

## PENAL CODE, SECTION 366B : PROSECUTIONS

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN on behalf of Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to state—

(a) the number of prosecutions under section 366B of the Indian Penal Code which provides against the importation from Indian States of girls under 21 for the purposes of prostitution ;

(b) the results of such prosecutions ;

(c) whether it is a fact that the section is defective and does not serve the purpose for which it was enacted ?

The Honourable Mr. J. E. B. HOTSON : The information is being obtained.

## TECHNICAL EDUCATION, BOMBAY UNIVERSITY

Mr. N. R. GUNJAL on behalf of Mr. RAJMAL LAKHICHAND (East Khandesh District) : Will Government be pleased to state—

(a) whether the University of Bombay has arranged for the education of students in any college for preparing the machinery required for Motors, Railways, Steamers or Ginning factories ?

(b) if not, whether they are prepared to give such education ? If so, when and where ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The Poona College of Engineering prepares candidates for the degree of B.E.(Mech.) of the Bombay University.

The course is laid down in the Handbook of the Bombay University, pages 157-58.

(b) The University Reform Committee proposed that a Technological College should be created by the University, but as the estimated cost is Rs. 50 lakhs non-recurring and Rs. 4½ lakhs recurring, it is unlikely that such a college will be founded in the near future.

## FOREST GRIEVANCES INQUIRY COMMITTEE REPORT

Mr. N. E. NAVLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether it is a fact that the Committee appointed by Government to investigate into the grievances of the public regarding Forests has already submitted its report to Government ;

(b) if so, when will it be published for general information ?

The Honourable Mr. G. B. PRADHAN : (a) Yes.

(b) Copies of the report have been distributed to the Members of the Legislative Council. Copies will also be distributed to the editors of the principal newspapers in the Presidency and will be available at the Government Book Depot for sale to the public as soon as the orders of Government on the report are published. This will be done within the next week or two.

## GURCHARAN AND GAOTHAN LANDS, THANA DISTRICT

Mr. N. E. NAVLE on behalf of Mr. SHANKARRAO JAYARAM-RAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) whether it is a fact that woodland, protected forest, gurcharan (grazing ground) and gaothan lands in Thana District were intended specifically for the free use of the people of respective villages ;

(b) whether such forest grazing grounds and lands or portions thereof have been utilised or allowed to be utilised for other purposes than those mentioned in (a) ;

(c) if the reply to (b) be in the affirmative, will Government be pleased to state—

(i) total area of such lands diverted to other use ;

(ii) total revenue or income derived therefrom per year ;

(iii) the purpose or purposes to which such revenue or income is put ;

(d) whether they are aware that the people of the village wish that the revenue or income mentioned in (c) (ii) should be spent on works of public utility ?

The Honourable Mr. J. L. RIEU : (a) Woodland protected forest is primarily intended to prevent the destruction of tree growth which timber cutting involves. So far as compatible with this object, it is intended to be used for the free pasture of the village cattle and the enjoyment of certain other privileges specified in section 9 of the Thana Woodland Code. Such gurcharans as are not included in woodland protected forest are intended for the free pasture of village cattle. Gaothans are village sites and have nothing in common with the above lands.

(b) Land in woodland protected forest is given out for cultivation in the form of woodland plots, but only with due regard to grazing and other requirements, the intention of this policy being that their cultivators should exercise some watch over the neighbouring tree growth.

(c) The area of, and the revenue from, such lands given out for cultivation and other purposes is 43,077 acres and Rs. 16,242 respectively. Out of the latter amount Rs. 16,212 are credited to Land Revenue and Rs. 30-0-0 to Local Funds.

(d) No such wish has been represented to Government. In accordance with financial rules these receipts are merged in the general revenues.

## PROCESSION ROUTE : SHIVAJI TERCENTENARY, BOMBAY

Mr. N. E. NAVLE on behalf of Mr. SHANKARRAO JAYARAM-RAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(a) why the Palkhi Procession in connection with Shri Shivaji Tercentenary Celebrations in Bombay was not allowed to pass by the Suparibag Road ;

(b) whether they are aware that this action of the Authorities created great discontent amongst the public ?

The Honourable Mr. J. E. B. HOTSON : On the assumption that the Honourable Member refers to the same Palkhi Procession, his attention is invited to the reply given to a similar question put by Dr. P. G. Solanki which is published at page 19 of the Question and Answer List No. 5 of the current session.

#### DHARAMIYU TANK, BUTWADA VILLAGE

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the Dharamiyu tank in the village of Butwada in the taluka of Valod in the Surat District—

- (a) the area of the tank ;
- (b) the area of the land assessed to it for Himayat ;
- (c) the Himayat assessment on the tank ;
- (d) whether the embankment of the tank is in good condition ;
- (e) the number of pipes on the tank and the condition in which each is at present ;
- (f) whether the tank is at present deep enough ;
- (g) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent on those repairs ;
- (h) what is the condition of the tank at present ;
- (i) whether complaints have been received from the people about this tank ;
- (j) whether Government have decided to put this tank in a good state of repair ;
- (k) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : The information has been called for.

#### KHAMBHATAN TANK, VATAG VILLAGE

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to give the following information about the Khambhatan tank in the village of Vatag in the taluka of Pardi in the Surat District

- (a) the area of the tank ;
- (b) the area of the land assessed to it for Himayat ;
- (c) the Himayat assessment on the tank ;
- (d) whether the embankment of the tank is in good condition ;
- (e) the number of pipes on the tank and the condition in which each is at present ;
- (f) whether the tank is at present deep enough ;
- (g) when was the tank last repaired, what repairs were done to it at the time and what was the amount spent of those repairs ;
- (h) what is the condition of the tank at present ;
- (i) whether complaints have been received from the people about this tank ;
- (j) whether Government have decided to put this tank in a good state of repair ;
- (k) if so, when will they repair the tank and what repairs will be done and how much amount will be spent on these repairs ?

The Honourable Sir COWASJI JEHANGIR : The information has been called for.

### LITERACY AMONG DEPRESSED CLASSES

Dr. P. G. SOLANKI : Will Government be pleased to state—

(a) in detail all the castes, classified under the heading depressed classes by Government, apart from the backward classes, with their respective names and population in Kathiawad and Gujarat—

(b) percentage of literate—male and female—in each of these castes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The accompanying list gives the names of castes included among depressed classes. As for the population and percentage of literacy among them the Honourable Member is referred to pages 176-187 and 149-150 of the Census of India (1921) Volume VIII Parts II and I respectively which give the information for a few of these castes. As regards the remaining castes the information is not available and cannot be supplied without a special census which would involve an amount of trouble and expense out of all proportion to the utility of the information.

Depressed	Depressed	Depressed	Depressed
Advichinchar.	Dhor.	Korava.	Salat.
Alikar.	Dubla.	Korchar.	Sangar.
Bahurupi.	Gamta.	Kori (Sind).	Sanjogi.
Pajania.	Gandhrap.	Kotegar.	Sanyasi.
Balsantoshi.	Garudi.	Kuechria (Sind).	Sappalig.
Bandi.	Ghadshi.	Lamani.	Sarania.
Barda.	Golla.	Mahar.	Sarodi.
Battal.	Gond.	Mairal.	Sarvade.
Bava.	Gondhali.	Mang and Madig.	Shikari.
Bavcha.	Gopal.	Mang Garudi.	Shindava.
Bazigar.	Halsar.	Mangela.	Sochi.
Beldar.	Helav.	Me.	Suler.
Berad (Bedar).	Holiya.	Maina.	Suthria.
Bhambi.	Jagara.	Menghwar.	Takari.
Bhampta.	Jagiasi (Sind).	Mochi.	Thakar (Ratnagiri).
Bhand.	Jajak (Sind).	Mukri.	Thakor (North,
Bhangi.	Jatia.	Murli Vaghaya.	Konkan).
Bharadi.	Jogi.	Naikada.	Tirgar.
Bhat or Barot.	Jogin.	Nandivale.	Tirmali.
Bhavaya.	Joshi.	Nanga.	Turi.
Bhavin.	Johari.	Nat.	Udasi.
Bhil.	Kahar.	Nath.	Vaddar.
Bhisti.	Kaikadi.	Od.	Vadi.
Bhute.	Kanjari.	Padharina.	Vaghri.
Burud.	Katkari.	Padiar.	Vaidu.
Chambhar.	Kapdi.	Pangul.	Vaiti.
Chamtha.	Kattai.	Patradavaru.	Vajantri.
Chandlagar.	Khalpa.	Patharvat.	Valhar.
Chapparband.	Khati (Sind).	Paviaya.	Vanjari
Charan.	Khavas.	Phanse Pardhi.	Varli
Chitrakathi.	Kiliket.	Phudgi.	Vasudev.
Chodhra.	Kokna.	Pomla.	Vir.
Chuhar.	Kolhati.	Rachevar.	Votolia.
Das.	Koli Mahadev.	Raekari.	Zharekari.
Depala.	Koli, Malhar.	Ramoshi.	
Dhed.	Koli Dhor.	Ravalia.	
Dhodia.	Kolgha.	Sahadev Joshi.	

Dr. P. G. SOLANKI : Are Government aware of the fact that most of the castes which are classed as depressed classes belong to the backward classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes. They are grouped together.

Dr. P. G. SOLANKI : Would not Government specify the depressed classes separately in such a way that the real depressed classes will get the share allotted to them ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Government have no objection to consider the matter of specifying the depressed classes separately from the backward classes. The honourable member had better approach Government regularly.

Dr. P. G. SOLANKI : For educational purposes they ought to be classified separately, I should think.

The Honourable the PRESIDENT : I cannot hear. Either the House ought to help me by maintaining silence, or the honourable member should speak louder.

Dr. P. G. SOLANKI : Would Government be pleased to make a special arrangement for classifying the depressed classes as such as separate from the backward classes, because most of the scholarships which are set apart by Government are taken advantage of by the backward classes and the depressed classes are left behind ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the honourable member will put on paper what all he has to say on the subject, Government will consider the matter.

Mr. R. S. ASVALE : Is the name of Joshi under the heading depressed classes, really the name of a depressed class ?

Dr. P. G. SOLANKI : If we were to forward a list of depressed castes, would Government be pleased to consider the matter and make the necessary arrangement and alterations in the list of depressed classes as it is circulated now and is before the Council ? Most of the castes will have to be deleted.

The Honourable the PRESIDENT : The Honourable Minister has already stated that he would do so.

Mr. N. A. BECHAR : They are already classified under the Educational Code.

Dr. P. G. SOLANKI : That Code also requires thorough correction.

The Honourable the PRESIDENT : The next question.

#### SCHOLARSHIPS FOR DEPRESSED CLASSES

Dr. P. G. SOLANKI (Bombay) : Will Government be pleased to state—

(a) whether it is a fact that students belonging to the depressed classes studying in the St. Xavier and Elphinstone Colleges are not given scholarships as yet which are meant and set apart by the



Government Educational Department for Depressed Class students particularly ;

(b) If so why they are not given the scholarship even though applications from the students for the same were forwarded again and again by the students to the authorities ;

(c) whether it is a fact that such scholarships reserved for the depressed classes were given away to students of the Intermediate classes under the impression that there were no applicants from the Depressed Classes. If so the reasons for such oversight ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) All the depressed class students in the Elphinstone and St. Xavier's Colleges are in receipt of Government special scholarships.

(c) The scholarships reserved for backward class students are awarded to students of Intermediate Hindu communities only when there are no applicants from backward class students. No applications for scholarships received from eligible backward class students have ever been refused.

Dr. P. G. SOLANKI : Are Government aware of the fact that in spite of the fact that applications from the depressed classes have been standing for a long time, they do not get the scholarships ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I am not aware of it.

Dr. P. G. SOLANKI : I may bring to the notice of the Honourable Minister that there have been such instances, and I had to write to the Director of Public Instruction. For the future I would request the Honourable Minister for Education to remedy this defect.

The Honourable the PRESIDENT : What is the question ?

Dr. P. G. SOLANKI : As to the future special arrangements must be made by Government to inform the depressed classes of the scholarships available to them.

The Honourable Dewan Bahadur HARILAL D. DESAI : We cannot inform the depressed classes students about it. They have to apply, and if they apply their applications will be considered. So far as I know, no applications from eligible students have been refused.

MOULVI RAFIUDDIN AHMAD : Would the Honourable Minister publish it in newspapers for the benefit of the depressed classes ?

The Honourable Dewan Bahadur HARILAL D. DESAI : I hardly think that the depressed classes read the newspapers.

Dr. P. G. SOLANKI : They do read newspapers. Would Government inform the recognised bodies of depressed classes about these scholarships ?

The Honourable the PRESIDENT : These are all suggestions for action. The honourable member may take other steps to bring the question to the notice of the Council.

## BACKWARD COMMUNITIES : CLASSIFICATION

Dr. P. G. SOLANKI: Will Government be pleased to state—

(a) in detail the names of communities which are called Non-Brahmins—Backward and Depressed classes ;

(b) whether non-Brahmins are indential with the Marathas, and the backward with the intermediate classes or the depressed ;

(c) which castes come under the more backward category ;

(d) the exact population in each class of the three communities (1) Non-Brahmins, (2) Backward, (3) Depressed ;

(e) sub-divisional castes of the depressed classes with their respective numbers in Gujarat, Deccan and Karnatak ?

The Honourable Sir CHUNILAL MEHTA: (a), (b), (c), (d) and (e). Attention of the Honourable Member is invited to the reply given at this session to a similar question by Mr. W. S. Mukadam.

## SCHOLARSHIPS FOR DEPRESSED CLASSES

Dr. P. G. SOLANKI: Will Government be pleased to state the proportion of the depressed class Hindus to the total population in each division in the Presidency proper and the number of the scholarships set apart for their uplift in each division of this Presidency for each class of instruction ?

The Honourable Dewan Bahadur HARILAL D. DESAI: Separate figures for the population of depressed classes only are not available as they have been included among Backward castes (as distinguished from Intermediate castes) in the Census Report. Government have not reserved any scholarships for the pupils of the depressed classes exclusively as apart from other Backward castes. The accompanying statement shows the number of scholarships available for pupils of all Backward castes.

Educational Division	Backward Class Hindus				
	Total population of Backward Class Hindus in the Presidency proper	Population of Backward Class Hindus in each Division	Percentage of the total Backward Class Hindu population in the Presidency proper	Number of Scholarships set apart in	
				Primary schools	Secondary schools
1	2	3	4	5	6
B. D. .. ..	34,93,041	9,54,272	26	(a) 75	(b) 168
C. D. .. ..		12,43,788	36	90	210
N. D. .. ..		7,54,431	22	75	133
S. D. .. ..		5,40,550	16	60	98

Educational Division		Backward Class Hindus— <i>contd.</i>					Remarks
		Number of Scholarships set apart in— <i>contd.</i>					
		Arts Colleges	Engineering Colleges	Commerce College	Law Colleges	V. J. Technical Institute, Bombay	
		7	8	9	10	11	12
3. D.	.. } .. } .. } .. }	(b) 24					
J. D.		28	(d) 9	(d) 3	(d) 6	(d) 12	
N. D		20 (c) 2					
S. D		12					

(a) These scholarships are distributed at the rate of 5 per each district in the Presidency proper and Bombay City (including Bombay Suburban District) and are tenable in Standards V to VII of Primary schools.

(b) These scholarships are distributed as far as possible in proportion to the percentage of backward class population in each educational division shown in column 1.

(c) These two scholarships are given only in the First Year class and are meant for the whole Presidency including Sind.

(d) These scholarships are meant for the whole Presidency including Sind and are not distributed by divisions.

#### THEFTS BY CHHARAHS AT ELLIS BRIDGE

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the police authorities of Ahmedabad are aware that itinerant nomadic tribes called Chharahs living on the west bank of the Sabarmati river near Ellis Bridge are in the habit of pilfering corn, grass, wood from the carts passing on the Ellis Bridge in the early hours of the morning;

(b) if so, what steps the police authorities of Ahmedabad have taken to prevent the mischief?

The Honourable Mr. J. E. B. HOLTSON: Enquiries are being made.

#### REFRESHMENT BARS, AHMEDABAD · NON-CLOSURE ON HOLI HOLIDAYS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the "Off" foreign liquor licenses were closed during the Holi holidays which fell on the 17th and 18th March 1927 in Ahmedabad;

(b) if the answer to (a) is in the affirmative why the refreshment bars which did a thumping business were allowed to be kept open in Ahmedabad during the Holi holidays?

The Honourable Mr. G. B. PRADHAN: (a) The Honourable Member is referred to the reply to the question asked by him on 13th October 1927. The expression "liquor shops" includes foreign liquor shops.

(b) Because Government consider it desirable not to curtail the reasonable facilities for obtaining liquor provided by refreshment rooms.

Mr. J. C. SWAMINARAYAN : Are not the "reasonable facilities" referred to in reply to (b) availed of by the millhands and other low caste people whom Government intend to prevent from indulging in drink on Holi holidays ?

The Honourable Mr. G. B. PRADHAN : No.

REFRESHMENT BARS, AHMEDABAD : NON-CLOSURE DURING  
MOHARAM HOLIDAYS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether all the liquor shops including the foreign liquor refreshment bars and "Off" licenses were closed during the Moharam holidays in Ahmedabad ;

(b) if the answer to (a) is in the affirmative, what were the reasons for allowing the foreign liquor refreshment bars to be kept open during the Holi holidays ?

The Honourable Mr. G. B. PRADHAN : (a) and (b) The orders of Government are that liquor shops in municipal areas should be closed on Holi and Moharam holidays. These orders do not apply to refreshment rooms.

FOREIGN LIQUOR SHOP, AHMEDABAD : NON-CLOSURE DURING  
HOLI HOLIDAYS

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether they have issued a Government Resolution, Revenue Department, No. 1459-C dated 10th April 1922, to the effect that

"Government have directed that liquor shops in municipal areas should be closed on Holi and Moharam public holidays" and have appended a note to that resolution that the expression "liquor shops" includes foreign liquor shops ;

(b) if the answer to (a) is in the affirmative what were the reasons for allowing the foreign liquor refreshment bar of Messrs. E. R. Fanibanda and Sons located in "Fanibanda Building" near Sehr-Kotda Police Chowki, Ahmedabad, to be kept open during the Holi holidays ?

The Honourable Mr. G. B. PRADHAN : (a) Yes. No note has, however, been appended to the resolution as stated.

(b) As stated in the reply to the question put by the Honourable Member on the 13th October 1927, the orders referred to in clause (a) of the question do not apply to refreshment rooms.

## FOREIGN LIQUOR LICENSES : TRANSFER ON SURRENDER

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they are going behind their policy of not creating a new foreign liquor license by the action of transferring surrendered licenses ;

(b) if the answer to (a) is in the negative, why the action of transferring the surrendered foreign liquor license of Messrs. D'Souza and Sons of Camp, Ahmedabad, to Messrs. E. R. Fanibanda and Sons of "Fanibanda Building" near Sehr-Kotda Police Chowki, Ahmedabad, was taken ?

The Honourable Mr. G. B. PRADHAN : (a) No.

(b) The Honourable Member is referred to the reply to the question asked by him on the 14th October 1927.

## FOREIGN LIQUOR "OFF" LICENSE TO MESSRS. FANIBANDA AND SONS

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they are aware that the granting of an "Off" license to extremely rich licensees like Messrs. E. R. Fanibanda and Sons in the immediate neighbourhood of a comparatively very poor licensee like Mr. F. C. Athayde who is the representative of the minor sons of C. Fonseca, would ruin the business of the poorer licensee by unfair competition of selling below Bombay price so as to kill the business of the neighbouring shop in the first instance and of taking maximum advantage after the neighbouring shop is knocked out of existence ;

(b) the reasons why an "Off" license was given to Messrs. E. R. Fanibanda and Sons in the immediate neighbourhood of the "Off" license of Mr. F. C. Athayde in spite of the danger of unfair competition referred to in (a) ?

The Honourable Mr. G. B. PRADHAN : (a) Government have no such information.

(b) The honourable member is referred to the reply to his question printed in the twelfth list.

## TRAINING COLLEGE, AHMEDABAD : DONATION BY MR. PREMCHAND ROYCHAND

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) the amount of donation made by the late Mr. Premchand Roychand with a view to endow the training college for men in Ahmedabad and to provide that institution with a suitable building ;

(b) the conditions under which the said donation was made by the late Mr. Premchand Roychand ;

(c) whether one of the conditions made by the late Mr. Premchand Roychand in connection with his donation to the training college for men in Ahmedabad provided that the buildings constructed out of the said donation were to be used only for the purposes of that institution ;

(d) if the answer to (c) is in the affirmative on what grounds Government intend to close the Premchand Roychand Training College against the condition laid down in the donation ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) 34,000 Rupees.

(b) Mr. Premchand Roychand originally offered Rs. 20,000 towards cost of construction *plus* Rs. 9,000 for cost of site on condition that Government undertook to defray all the additional expenses that may be necessary for erecting a Vernacular Training College, provided that the Government contribution should be not less than Rs. 20,000.

(c) There is nothing on the records of Government to this effect.

(d) Does not arise.

#### GUJARAT COLLEGE : PERSONAL ASSISTANT TO THE PRINCIPAL

Mr. J. C. SWAMINARAYAN : (Ahmedabad District). Will Government be pleased to state—

(a) whether they have created a post of a Personal Assistant to the Principal of the Gujarat College ;

(b) if so, what duties the Personal Assistant is required to perform ;

(c) what amount of teaching work is done by the Personal Assistant ;

(d) the reasons why such a post has been created now in view of the fact that such a post was not found necessary during the last fifteen years since Government took charge of the Gujarat College in July 1912 from the Gujarat College Board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) to (d) No new post of a Personal Assistant to the Principal of the college in question has been created. In order to relieve Principals of Government Colleges under this Department of administrative work of an "impersonal" nature such as assigning (1) certificates for passing First Year Examination, (2) age certificates, and (3) checking service stamps account, deadstock register, college fee account, etc., Government have left it to the discretion of the Principal of a college to select an officer from his college staff and to entrust him with work of this nature. The functions of the officer selected correspond with those of a Personal Assistant.

Mr. J. C. SWAMINARAYAN : There is no reply to (c). I wanted to know what amount of teaching work is done by the personal assistant.

The Honourable Dewan Bahadur HARILAL D. DESAI : For particular purposes he has been styled as personal assistant ; but he is not only exclusively personal assistant.

Mr. J. C. SWAMINARAYAN : Are not these "impersonal" duties such as signing certificates done by the principal himself and are they left to the personal assistant ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The answer is there. "In order to relieve principals of Government colleges under this department of administrative work of an "impersonal" nature such as signing (1) certificates for passing first year examination, (2) age certificates," etc., etc., these are all done by the personal assistant,

Mr. J. C. SWAMINARAYAN : But do Government regard the signing of certificates for passing first year examination as such an impersonal work as to be left to the personal assistant ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Merely signing of certificates is not of such importance.

Mr. B. G. PAHALAJANI : Is he a professor on a special grade ?

The Honourable Dewan Bahadur HARILAL D. DESAI : He is a professor under the ordinary professorial grade.

Mr. B. G. PAHALAJANI : No additional man is kept ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not at all.

Mr. J. C. SWAMINARAYAN : Is it a fact that this job is given to a favourite professor ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not at all, because he has to do more work. He has teaching work, besides.

Dr. M. K. DIXIT : Does the personal assistant get an extra allowance for this work ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No, Sir.

Mr. J. C. SWAMINARAYAN : Is it true that he has light teaching work in the college ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No.

#### HINDU MOSLEM TENSION, AHMEDABAD : PRECAUTIONARY MEASURES

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Will Government be pleased to state—

(a) whether it is a fact that the District Magistrate of Ahmedabad issued a notification ordering the people not to move on public street with Lathis and Dharias for one month from the 17th September 1927, the date of issue of the said notification ;

(b) whether it is a fact that the District Magistrate ordered the country liquor shops of Ahmedabad City to be closed from 5 p.m. from 17th September 1927 as a precautionary measure during the days of Hindu-Moslem tension for which the notification referred to in (a) was issued ;

(c) if the answer to (b) is in the affirmative, the reasons why the country liquor shops were suddenly allowed to be kept open as usual from the 19th September 1927 ;

(d) on whose initiative the previous precautionary order of 17th September 1927 as mentioned in (b) was suddenly reversed within two days of its issue and who was responsible for the reversal of that order ?

The Honourable Mr. J. E. B. HOTSON : (a) The Honourable Member presumably has in mind the order issued under section 144, Criminal Procedure Code, by the First Class City Magistrate of Ahmedabad on the 16th September, prohibiting the holding of public meetings within the municipal limits of Ahmedabad without the previous permission..

in writing of the District Magistrate, and extending till the date mentioned in that order, that is for one month or until further notice, the order which he had issued on the 12th September, prohibiting the carrying of lathis, dharias, etc.

(b), (c) and (d) The District Magistrate on the 16th September 1927 ordered that liquor shops should be closed at 4 p.m. The hour was subsequently, apparently on the 17th, altered to 5 p.m. The order remained in force until the morning of the 19th, when the District Magistrate found it possible to cancel it.

#### SEAMEN'S RECRUITMENT : SHIPPING BROKERS

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether their attention has been drawn to the article which appeared in the *Bombay Chronicle* of 11th June 1925, entitled "Shipping Brokers—Abolition demanded" by Mr. Archibald Pocock ;

(b) whether they have read the article which appeared in the *Indian National Herald* of 1st June 1927 under the title "Sufferings of Unemployed Seamen—Miseries caused by abominable recruitment system ;"

(c) the evils that have so far come to their knowledge by means of petitions or representations from seamen ;

(d) whether they are aware of the disadvantage of the Shipping Brokers System in its various aspects ;

(e) if so, what steps they have taken so far to remedy the evils and redress the seamen's grievances ;

(f) if not, whether they have considered the recommendations of the Clow Committee and the Government of India's order thereon ;

(g) why a period of 5 years since the promulgation of the said order has not been sufficient for Government to abolish the system and to install a "State Employment Bureau" for recruitment of seamen as suggested by the Clow Committee and the Geneva International Labour Conference of 1920 ?

The Honourable Sir COWASJI JEHangIR : (a) and (b) Yes.

(c) So far as the Government of Bombay have been able to ascertain, the allegations made against the Shipping Brokers are mainly that they do not find employment for seamen in the order of priority of application, that many of the seamen are kept waiting for years together and that it is only the favoured few that are given jobs. On enquiry, however, many of these allegations have been proved to be incorrect, and in some cases the petitions themselves were found to be not genuine. In a typical instance some of the seamen whose names appeared as signatories to the petition, when questioned by the Shipping Master, Bombay, denied all knowledge of the petition, some had died long ago, and some others were found to have been out of Bombay on the date on which they were supposed to have signed the petition. The fact that some of the seamen are unable to secure employment for long periods at a time is due partly to the prevailing trade depression and partly to the preference shown by masters of ships, while selecting their crew, to persons who have previously served under them.



(d) to (g) The question whether the existing system of recruitment of seamen in force in Bombay should be replaced by the establishment of an "Employment Bureau" as suggested by the Clow Committee was carefully considered by the Government of Bombay twice—once when the Government of India published their Resolution on the Clow Committee's report and again quite recently. On both the occasions Government came to the conclusion that the existing system of recruitment had on the whole worked satisfactorily and that there was therefore no necessity to replace it by any other system. They are, however, again reconsidering the matter and have asked the Shipping Master if possible to work out a scheme which will transfer the actual work of registration of seamen to the Shipping Master and his Assistants.

Mr. SYED MUNAWAR : In answer to (c), in line 6 it is stated that allegations have been proved to be incorrect. Do I understand the Honourable the General Member to mean that the allegations are denied by the other party or have they actually been proved to be incorrect ?

The Honourable the PRESIDENT : The details are given there. In some cases it was one thing, and in some cases it was the other.

The Honourable Sir COWASJI JEHangIR : The answer is that some of those who were supposed to have sent the petition were dead, and, therefore, there was no doubt that the petition was fictitious. Some of them who were supposed to have sent the petition were not in Bombay when the petition was supposed to have been signed. Therefore, there was no doubt that the petition was fictitious. The petition could not be signed out of Bombay ; it could not be signed by dead men.

An Honourable MEMBER : Who made the enquiries ?

The Honourable Sir COWASJI JEHangIR : The shipping master.

Dr. M. K. DIXIT : Does it mean that the allegations are to some extent correct ?

The Honourable Sir COWASJI JEHangIR : The answer to the supplementary question is in the answer.

Mr. F. J. GINWALLA : Was the Indian Seamen's Union consulted when the enquiries were made ?

The Honourable Sir COWASJI JEHangIR : No. When a petition is received making complaints, Government usually do not consult Unions.

Mr. SYED MUNAWAR : What was the date of the petition ?

The Honourable Sir COWASJI JEHangIR : If the honourable member will give me notice, I will give the date of the petition.

Mr. F. J. GINWALLA : When is the scheme referred to in the last part of the Government's answer going to be ready ?

The Honourable Sir COWASJI JEHangIR : I am afraid I cannot tell my honourable friend just now. I cannot say when the scheme will be ready. The shipping master has received instructions to submit a scheme, which will be considered by Government when received.

## GOVERNMENT CENTRAL PRESS—BACKWARD CLASSES

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they have issued any circu'ar to the Superintendent of the Press to employ a fair proportion of men of the backward classes, as they have done in regard to some other departments ;

(b) when and how they propose to effect a fair distribution of employment ?

The Honourable Sir COWASJI JEHangIR : (a) and (b) Yes, so far as clerical posts are concerned. A copy of Government Resolution, Finance Department, No. 2610, dated the 5th February 1925, is laid on the Council Table.

*Public Service :*

Measures to achieve fair representation of all castes and communities in—

## GOVERNMENT OF BOMBAY

## FINANCE DEPARTMENT

Resolution No. 2610

Bombay Castle, 5th February 1925

Read Government Resolution No. 2610 dated 17th September 1923.

**RESOLUTION.**—The Government of Bombay in furtherance of their policy of securing the fair representation of all castes and communities in the public services are pleased to prescribe a minimum percentage of recruitment from members of the Backward Communities to the clerical staff of all Departments in the Presidency proper. A schedule is attached\* showing against each locality the classes which are considered by Government to be advanced within that locality and the prescribed minimum percentage of recruitment to the clerical staff from members of communities other than those so mentioned. The standard of qualification should be the same for all candidates ; but appointments should be so made that a minimum recruitment of *at least* the percentage shown in the final column from members of communities other than those shown in the second column should be secured.

2. The percentage shown in each case is a minimum and should not prevent recruitment above that minimum, where a sufficient number of well qualified candidates is forthcoming to make it possible, having due regard to efficiency, to select a higher number, with a view the sooner to render the prescribed percentages the minimum representation of Backward Communities in the clerical staff of all departments in the Presidency proper. The minimum representation should include a fair proportion of Mahomedans in the Presidency proper. The minimum recruitment should be 50 per cent. Mahomedans in Sind with a view to the eventual representation of at least that percentage of Mahomedans in the clerical staff of all Departments in Sind.

By order of the Governor in Council,

J. E. B. HOTSON,

Chief Secretary to Government.

To

The Judicial Commissioner in Sind,  
The Private Secretary to His Excellency the Governor,  
The Accountant General,  
The Audit and Accounts Officer, Bombay Development Scheme,  
The Audit Officer, Lloyd Barrage and Canals Construction,  
The Meteorologist, Bombay,  
The Protector of Emigrants, Bombay,  
The Protector of Emigrants, Karachi,  
The Mint Master,  
The Assay Master, Bombay Mint.

\*Printed as an accompaniment to this Resolution.

The Deputy Controller of the Currency,  
 The Government Examiner of Accounts, G. I. P. Railway,  
 The Government Examiner of Accounts, B.B. & C.I. Railway,  
 The Government Examiner of Accounts, M. & S. M. Railway,  
 The Post Master General, Bombay Circle,  
 The Deputy Post Master General Railway Mail Service and Storing, Western Circle,  
 The Director, Telegraph Engineering, Western Circle, Bombay,  
 \*The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Jurisdiction, Bombay,  
 \*The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay,  
 The Superintendent, Government Printing and Stationery, Bombay,  
 The Manager, Government Central Press, Bombay,  
 All other Heads of Offices under the several Departments of the Secretariat (including Executive Engineers),  
 All Departments of the Secretariat.

\*By letter.

Accompaniment to Government Resolution, Finance Department, No. 2610,  
 dated 5th February 1925

*Schedule*

Locality	Advanced Communities	Minimum percentage of recruitment from Backward Communities
Ahmedabad	{ Brahmans .. .. }	50 per cent.
Broach	{ Banias .. .. }	50 ..
Panch Mahals	{ Do. .. .. }	33 ..
Surat	{ Do. .. .. }	33 ..
Kaira	{ Brahmans .. .. }	50 ..
	{ Banias .. .. }	
	{ Patidars .. .. }	
Thana	{ Brahmans .. .. }	33 ..
	{ Prabhus .. .. }	
	{ Parsis .. .. }	
	{ Christians .. .. }	
	{ Brahmans .. .. }	
	{ Prabhus .. .. }	
	{ Parsis .. .. }	
Central Division	{ Marwaris .. .. }	50 ..
	{ Banias .. .. }	
	{ Christians .. .. }	
	{ Brahmans .. .. }	
Southern Division	{ Prabhus .. .. }	60 ..
	{ Parsis .. .. }	
	{ Christians .. .. }	
	{ Brahmans .. .. }	
Bombay Suburban Division	{ Prabhus .. .. }	33 ..
	{ Christians .. .. }	
	{ Brahmans .. .. }	
	{ Prabhus .. .. }	
	{ Parsis .. .. }	
Bombay City	{ Banias .. .. }	33 ..
	{ Marwaris .. .. }	
	{ Patidars .. .. }	
	{ Madrasis .. .. }	
	{ Christians .. .. }	

*Note.*—For the purposes of this order Saraswats and Shenvis are to be regarded as Brahmans.

MOULVI RAFIUDDIN AHMAD : With regard to (b), the question is not answered. How and when ?

The Honourable Sir COWASJI JEHangIR : That is in the resolution.

MOULVI RAFIUDDIN AHMAD : Does Government take any steps to receive any annual reports or periodical reports as to whether the resolution is properly carried out ?

The Honourable Sir COWASJI JEHangIR : Yes.

MOULVI RAFIUDDIN AHMAD : When, periodically or monthly ?

The Honourable Sir COWASJI JEHangIR : I should like to have notice of that, to give an accurate reply.

#### BOMBAY PORT TRUST DOCKS STAFF

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact that the Bombay Port Trust Docks clerical staff has to work ten hours during the day and then again eight hours after an interval of an hour or so after termination of the day duty ;

(b) whether such a system of making employees work for eighteen hours during day and night and compulsory attendance at 7-55 next morning is prevalent in any other Government department ?

The Honourable Sir COWASJI JEHangIR : (a) Working hours in the Bombay Docks are from 8-0 a.m. to 12-30 p.m. and from 1-30 p.m. to 6 p.m.—9 hours ; night work, which is dependent on the requirements of shipping, is from 7-30 p.m. to midnight or until 3-30 a.m. or, in cases of special emergency, until 6 a.m.

The staff is adequately paid for their overtime attendance which is limited to a maximum of 12 nights per month per individual. Acceptance of overtime work is compulsory, but every consideration is shown to cases of sickness or special circumstances.

(b) The Bombay Port Trust is not a department of Government. So far as Government are aware, such a system is not prevalent in any Government Department.

Mr. S. C. JOSHI : Will the Honourable the General Member be pleased to say what is the rate at which over-time allowance is paid ?

The Honourable Sir COWASJI JEHangIR : I would ask for notice of the question.

#### TEXTILE WORKERS : PROVIDENT FUND

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they are aware of any mills in Bombay giving the Provident Fund facilities to textile workers ;

(b) if so, their names, the amount of funds so far raised or made available for the purpose, the amount given as provident fund or gratuity by each of the mills, and the number of workers who have been given the benefit during the last two years ;

(c) whether in view of the improvident nature of textile workers and the absence of old age pension facilities, Government have considered

the desirability of taking any steps in that direction or passing legislation for the purpose ?

The Honourable Sir COWASJI JEHangIR : (a) The recent enquiry into Deductions from Wages and Payments in respect of Fines conducted by the Labour Office on behalf of the Government of India shows that deductions from wages on account of provident fund are made by several textile mills.

(b) Some 22 mills reported such deductions but Government regret they cannot give out their names. The number of workers from whose wages the deductions were made is not precisely known. The total deductions made by the reporting mills during the first ten months of the year 1926 amounted to Rs. 94,020-5-0 for male operatives and Rs. 5,258-7-5 for female operatives. Government have no information on the other points raised.

(c) No.

#### KADWA CANAL : WATER SUPPLY AND WATER CESS

Rao Saheb R. V. VANDĒKAR (Nasik District) : Will Government be pleased to state—

(a) whether they are aware that the water supply of the Kadwa Canal in the Nasik District does not last throughout the year ;

(b) if so, what steps they propose to take in the matter ;

(c) whether it is a fact that the water cess is levied according to the new scale.

The Honourable Sir COWASJI JEHangIR : (a) Yes.

(b) Preliminary investigations for additional storage are under contemplation and necessary steps are being taken with that end in view.

(c) The water rates on this canal have been revised with effect from the 15th February 1927 and the crops will be assessed at the revised rates from that date.

Mr. N. E. NAVLE : Are Government charging enhanced rates in the case of this canal ?

The Honourable Sir COWASJI JEHangIR : The answer is given in (c). The question was whether it is a fact that the water cess is levied according to the new scale, and the answer is that the water rates on this canal have been revised with effect from the 15th February 1927.

Mr. N. E. NAVLE : Have they been enhanced as a result of the revision ?

The Honourable Sir COWASJI JEHangIR : In this case a revision means an increase.

#### VERNACULAR SCHOOLS, NASIK DISTRICT

Rao Saheb R. V. VANDĒKAR (Nasik District) : Will Government be pleased to state how many villages having a population of (1) one thousand and (2) five hundred each respectively had no vernacular schools in the Nasik district before 1925 and what is the number at present ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Before 1925 16 villages with a population of 1,000 and above and 168 villages with a population of 500 and above were without schools. In July 1927 the number of such villages was respectively 17 and 166.

#### HOSTELS FOR DEPRESSED AND BACKWARD CLASSES

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) the present number of hostels maintained by Government for the depressed and other backward classes respectively ;

(b) how many have been subsidised ; in what districts they are situated and what names they bear ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) One.

(b) 19. The accompanying statement giving the required information is placed on the Council Table.

*Number of Hostels for Children of Depressed Class and other Backward Communities maintained by District Local Board with a grant from Government towards their maintenance*

#### *Bombay Division*

1. The Boarding House attached to the Taluka School at Mokhada in the Thana District.

2. The Boarding school at Khardi in the Thana District.

3. The Katkari Boarding School at Neral in the Kolaba District.

4. The Boarding School at Peint in the Nasik District.

#### *Central Division*

5-6. The Boarding Schools at Ghoda and Ambegaon in the Poona District.

7. The Boarding School at Akola in the Ahmednagar District.

8-10. The Boarding Schools at Nandurbar, Kukurmunda and Dhadgaon in the West Khandesh District.

#### *Northern Division*

11-12. The Boarding Schools at Godsamba and Khergaum in the Surat District. The latter has now been broken up into two sections—one at Waghchhipa and the other at Rankuva.

13-14. The Boarding Schools at Dohad and Ambli in the Panch Mahals District.

15. The Boarding School at Diwa in the Broach District.

16. The Waghri School at Uttarsanda in the Kaira District.

#### *Aided Hostels*

17. Hostel of the Depressed Class Society at Nasik.

18. Depressed Class Society's Hostel, Parel, Bombay.

19. Depressed Class Society's Hostel, Poona.

#### FAMILY HISTORY BOOKS : GOVERNMENT PATRONAGE

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) the amount given as patronage for the book called " Sardesai Gharanyacha Itihas " (History of the Sardesai Family) ;

(b) whether they are aware that several such family histories have been published ;

(c) how many of these were found worthy of patronage by the Director of Public Instruction ;

(d) the names of Selection Committee who recommended the Book with their opinion ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Rs. 250 (cost of 50 copies purchased for distribution to schools and colleges) ;

(b) and (c) Government have not got any accurate information as to the number of such histories published but no applications for Government patronage to the books of the type referred to have been received in the past.

(d) There is no Selection Committee appointed for the purpose. Applications for Government patronage are considered by the Director of Public Instruction who usually consults experts in the Department.

#### DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE ESTABLISHMENT

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) the number of men belonging to the intermediate and advanced communities in the clerical branch in the office of the Director of Public Instruction :

(b) whether the proportion shows any appreciable improvement over the conditions of 1924 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The number of clerks belonging to backward and advanced communities in the office of the Director of Public Instruction is 4 and 38 respectively.

(b) The proportion apparently shows no appreciable improvement. It may, however, be stated that in filling temporary vacancies in the office in question preference is given to candidates belonging to backward communities when suitable men are available.

Mr. S. K. BOLE : As regards (b), the reply is " It may however be stated that in filling temporary vacancies in the office in question preference is given to candidates belonging to backward communities." Why is preference given to the backward communities in filling temporary vacancies only ? Why is not preference given to them when permanent vacancies occur ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Vacancies do not occur because the men are permanent, and it is only when they go on leave or fall sick that temporary vacancies have to be filled, and then the claims of the backward communities are taken into consideration.

Mr. S. K. BOLE : What happens when they go on pension or retire ?

The Honourable Dewan Bahadur HARILAL D. DESAI : No such case has occurred yet.

#### TALLGAON STATION : HIGH LEVEL PLATFORM

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state whether they are aware that extreme

inconvenience is caused to passengers at Talegaon Station on the Great Indian Peninsula Railway owing to there being no down platform sufficiently high provided by the Railway ?

The Honourable Mr. J. L. RIEU : Government understand that inconvenience is caused and that the question of providing high level platforms is receiving the attention of the G. I. P. Railway.

#### CANAL WATER SUPPLY PANCHAYATS

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state whether they intend to form Panchayats to make allotments of canal water to irrigators in the Deccan ?

The Honourable Sir COWASJI JEHangIR : The matter is being looked into.

#### MUNICIPALITIES IN THE CENTRAL DIVISION : NOMINATION OF MUHAMMADANS

Mr. SYED MUNAVAR on behalf of Mr. G. A. D. WASIF (Central Division) : Will Government be pleased to state—

(a) whether it is the policy of Government not to nominate Muhammadan members to municipal councils where seats are reserved for Muhammadans ;

(b) if not, what is the strength of nominated members to municipal councils in the Central Division and how many Muhammadans are nominated by Government to such seats and where ?

The Honourable Sir GHULAM HUSSAIN : (a) This part of the question has already been replied.

(b) The accompanying statement gives the information required.

*Statement showing the number of Nominated Members on the Municipalities in the Central Division.*

Name of the Municipality						Total number of nominated members	Number of Muhammadans nominated
Ahmednagar	..	..	..	..	..	7	1
Sangamner	..	..	..	..	..	3	..
Jalgaon	..	..	..	..	..	6	..
Bhusawal	..	..	..	..	..	6	1
Yawal	..	..	..	..	..	4	..
Faizpur	..	..	..	..	..	4	1
Raver	..	..	..	..	..	4	1
Savda	..	..	..	..	..	4	1



Name of the Municipality						Total number of nominated members	Number of Muhammadans nominated
Amalner	..	..	..	..	..	4	1
Parola	..	..	..	..	..	3	1
Chopda	..	..	..	..	..	4	..
Dharangaon	..	..	..	..	..	4	..
Erandol	..	..	..	..	..	4	..
Chalisgaon	..	..	..	..	..	4	..
Dhulia	..	..	..	..	..	6	1
Nandurbar	..	..	..	..	..	4	1
Shirpur	..	..	..	..	..	4	..
Shahada	..	..	..	..	..	4	..
Taloda	..	..	..	..	..	4	1
Sindkheda	..	..	..	..	..	4	1
Botawad	..	..	..	..	..	4	..
Nasik	..	..	..	..	..	6	2
Yaola	..	..	..	..	..	4	..
Malegaon	..	..	..	..	..	4	..
Sinnar	..	..	..	..	..	3	1
Igatpuri	..	..	..	..	..	3	..
Trimbak	..	..	..	..	..	3	..
Nandgaon	..	..	..	..	..	4	..
Bhagur	..	..	..	..	..	7	1
Poona City	..	..	..	..	..	7	2
Saswad	..	..	..	..	..	3	..
Jojuri	..	..	..	..	..	3	..
Baramati	..	..	..	..	..	3	..
Indapur	..	..	..	..	..	3	..
Sirur	..	..	..	..	..	3	..
Talegaon Dabhade	..	..	..	..	..	3	..
Lonavla	..	..	..	..	..	3	..
Alandi	..	..	..	..	..	3	..
Junnar	..	..	..	..	..	3	1
Poona Suburban	..	..	..	..	..	4	..
Ashta	..	..	..	..	..	3	..
Islampur	..	..	..	..	..	3	..
Karad	..	..	..	..	..	3	1
Mahableshwar	..	..	..	..	..	10	1
Mhaswad	..	..	..	..	..	3	..
Panchgani	..	..	..	..	..	2	..
Rahimatpur	..	..	..	..	..	3	..
Satara City	..	..	..	..	..	6	1
Satara Suburban	..	..	..	..	..	12	2
Tasgaon	..	..	..	..	..	3	..
Vita	..	..	..	..	..	3	..
Wai	..	..	..	..	..	3	..
Sholapur	..	..	..	..	..	7	1
Barsi	..	..	..	..	..	4	..
Karmala	..	..	..	..	..	4	..
Pandharpur	..	..	..	..	..	5	1
Sangola	..	..	..	..	..	4	..

The Honourable the PRESIDENT : I find that there are half a dozen honourable members wanting to ask their questions now, who were not in their places to do so at the proper time. I have more than once asked honourable members to be in their places to ask questions. It is unfair on their part not to do so. However, I will allow their questions to be asked, but not any supplementary questions.

## STRIKE . SWADESHI SPINNING MILLS, KURLA

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(a) whether shops and houses in the vicinity of Kurla Swadeshi Mills were closed during the riot in July 1927 ;

(b) if so, for how many days ?

The Honourable Sir COWASJI JEHangIR : (a) No house and shops in the vicinity of the Kurla Swadeshi Mills were closed during the period of the strike in July 1927.

(b) This question does not arise.

## GOVERNMENT SERVICE : RECRUITMENT AND PROMOTION

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to place on the Council table copies of all resolutions issued by them relating to the recruitment and promotion of Government employees in the various departments of the Public Services ?

The Honourable Sir CHUNILAL MEHTA : The papers and orders mentioned in the accompanying list have been placed on the Council table.\*

For rules regarding recruitment to the non-gazetted Police staff and non-gazetted Jail staff, the attention of the Honourable Member is invited to Chapters IV-V of Volume I of the Bombay District Police Manual, 1913, and Rules 23 and 196 of the Bombay Jail Manual, copies of which are placed on the Council table.

*Government Service : Recruitment and promotion*

## List of papers placed on the Council table

*Finance Department—*

G. R. No. 3629	dated	5th May 1925.
G. C. „ 438	„	25th June 1920.
G. R. „ 3990	„	13th July 1925.
„ „ 1140	„	25th March 1925.
„ „ 286	„	23rd April 1921.
„ „ 66	„	5th September 1925.
„ „ 162	„	6th March 1923.
„ „ 2610	„	5th February 1925.
„ „ L/395	„	22nd May 1925.
G. C. No. 3840	„	23rd July 1925.
„ „ 2610	„	21st July 1925.
G. R. No. 2610	„	12th December 1925.
„ „ 2610	„	1st April 1926.
G. C. „ L/531	„	23rd June 1926.
G. R. „ 4929	„	9th March 1927.

\* Kept in the Secretary's Office

*Public Works Department—*

## Government Notifications—

No. 6383 dated 27th December 1924.

„ 604 „ 10th June 1926.

„ E7818 „ 17th May 1921.

## Government Resolution—

No. 1131 dated 7th July 1924.

Extract paragraph 7 of G. O. No. 1458 dated 30th June 1910.

Extract paragraphs 2, 3 and 4 of the Store-Keeper's Manual.

Extract paragraph 7 of G. R. No. 737 dated 29th August 1923.

*Home Department—*

(i) Regulations, etc., for admission to the Indian Police Service by a competitive examination held in England.

(ii) Regulations, etc., for admission to the Indian Police Service by a competitive examination held in India.

(iii) Regulations, etc., for admission to the Bombay Police Service.

(iv) Government Resolution, Home Department, No. 1160 dated 31st January 1921.

(v) Government Notification, Home Department, No. 674/4336 dated 4th May 1923

(vi) Press Note, Home Department, No. 1093/2 dated 3rd January 1927.

(vii) A note on recruitment to gazetted posts in the Jail Department.

## Non-gazetted Judicial establishment :—

Copies of Rule: 3-9 of the Manual of the High Court Civil Circulars, 1925.

Copies of Rules for admission to the appointments—

(i) in the offices of the High Court,

(ii) in the offices under the control of the Judicial Commissioner in Sind.

Circular Memorandum No. 6730-B, dated 21st April 1925.

## Non-gazetted Police Staff :—

The Bombay District Police Manual, Volume I of 1913.

The Bombay Jail Manual.

*Revenue Department—*

## Government Notifications —

No. 12449 dated 19th November 1919.

„ 1144 „ 1st October 1925.

„ 4378 „ 8th May 1923.

„ 11375 „ 20th November 1914.

„ 6956 B „ 24th March 1924.

„ 4077 „ 16th July 1925.

„ 3283 „ 25th May 1925.

*General Department—*

G. R. No. 719 dated 9th February 1909.

G. N. No. 2921 dated 12th April 1913.

MO H6 168—5

Substance of G. R. No. 9211 dated 14th November 1914.

G. R. No. 2468 dated 5th April 1916.

G. N. „ 6284-A „ 25th July 1919

G. R. „ 5661 „ 19th May 1920.

„ „ 7048 „ 3rd July 1920.

„ „ 557 „ 19th March 1923.

A note on the qualifications required for an Inspector of Boiler and Smoke Nuisances—

G. R. No. 5956 dated 7th May 1926.

*Educational Department—*

A note on the Indian and Bombay Educational Services.

A Press note No. 737 dated 15th November 1921 regarding Subordinate Educational Service, and a note on the subsequent changes, etc., made therein.

ANGLO-VERNACULAR SCHOOLS IN SIND : GRANTS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the names of Anglo-vernacular schools in Sind which applied to or through the Educational Inspector for grant in 1926-27 but were refused by Government on the ground of financial stringency ;

(b) the amount of grant claimed by each school ;

(c) the names of such schools which were granted a portion of the grant they claimed ;

(d) the amount of grant claimed by each such school and the amount of grant actually paid to it ;

(e) the names of Anglo-vernacular schools in Sind which received in 1926-27 a supplementary grant in addition to ordinary grant ;

(f) the amounts of ordinary grant and supplementary grants (separately) received by each such school and the proportion which the latter bore to the supplementary grant received by it, if any, in the year 1923-24 ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) to (f) The accompanying statements giving the required information are placed on the Council table :—

*Statement A*

(a) and (b) Names of A. V. Schools in Sind which applied to or through the Educational Inspector for grant in 1926-27 but were refused by Government on the ground of financial stringency and the amount of grant claimed by each school.

Name of school				Amount of grant claimed
				Rs.
1.	A. V. School, Tando Md. Khan	..	..	269
2.	Do. Khairpur Nathan Shah	..	..	324
3.	Do. Thatt Hotchand (Nawabshah District)..	..	..	305

## STATEMENT B.

(c) and (d) The names of such schools which were granted a portion of the grant they claimed and the amount of grant claimed by each school and the amount of grant actually paid to them.

Name of Secondary School	Grant claimed 1926-27	Grant paid 1926-27	Supplement- ary grant 1926-27
1	2	3	4
	Rs.	Rs.	Rs.
1 C. M. S. High School, Karachi .. ..	11,577	11,322	
2 Bai Virbaiji S. Parsi High School, Karachi .. ..	8,002	7,314	
3 N. V. High School, Hyderabad .. ..	11,263	10,140	
4 K. C. Academy, Bhirla .. ..	5,152	4,849	
5 Shikarpur Academy .. ..	4,497	4,339	
6 Karachi Academy .. ..	3,783	2,015	
7 High School, Tharushah .. ..	4,858	3,341	
8 High School, Sukkur .. ..	8,052	7,606	
9 High School, Rohri .. ..	4,004	3,715	
10 High School, Jacobabad .. ..	4,927	4,062	
11 Larkana Madressah .. ..	2,732	1,426	
12 A. V. School, Kotri .. ..	2,711	2,347	
13 A. V. School, Tando Allahyar .. ..	487	212	
14 A. V. School, Halla .. ..	316	200	
15 A. V. School, Shahdadpur .. ..	544	372	
16 G. L. School, Sukkur .. ..	1,837	1,423	
17 Mule's A. V. School, Old Sukkur .. ..	2,940	1,826	
18 Middle School, Rohri .. ..	2,056	1,727	
19 A. V. School, Ratodero .. ..	2,804	2,800	232
20 A. V. School, Larkana .. ..	783	410	
21 Khalsa A. V. School, Karachi .. ..	1,388	723	
22 Maratha A. V. School, Karachi .. ..	2,290	1,440	
23 L. R. D. A. V. School, Karachi .. ..	1,091	428	
24 N. H. A. Fort Branch, Hyderabad .. ..	1,547	1,517	
25 N. V. Mian Fakir Jo Pir, Hyderabad .. ..	1,405	1,337	
26 N. V. Mian Jhuramal Lane, Hyderabad .. ..	1,395	1,360	
27 A. V. School, Nasarpur .. ..	1,173	1,119	160
28 Lawrence Madressah, Tando Bago .. ..	2,843	2,249	594
29 A. V. School, Kandiaro .. ..	682	510	
30 A. V. School, Bhelani .. ..	412	345	
31 N. K. Academy, Tando Adam .. ..	1,094	1,000	
32 A. V. School, Mithiani .. ..	1,204	1,116	
33 A. V. School, Hallani .. ..	377	250	
34 G. N. Academy, Garhi Yassin .. ..	1,210	1,162	
35 Dev. Samaj, Old Sukkur .. ..	2,067	1,076	
36 A. V. School, Talti .. ..	1,555	1,285	

STATEMENT B—*contd.*

Name of Secondary School				Grant claimed 1926-27	Grant paid 1926-27	Supplement- ary grant 1926-27
1				2	3	4
				Rs.	Rs.	
37	A. V. School, Mehar	..	..	2,167	1,937	
38	A. V. School, Banguldero	..	..	850	795	
39	A. V. School, Dadu	..	..	869	486	
40	Maratha A. V. Night School, Karachi	..	..	304	240	
41	Prem Mandli Free A. V. Night School, Karachi	..	..	471	400	
42	Railway Punjabi School, Sukkur	..	..	1,555	450	
43	D. A. V. School, Ghotki	..	..	404	300	
44	Municipal A. V. School, Mirpurkhas	..	..	1,279	750	
45	Shree Marwari Vidyalaya, Karachi	..	..	1,177	840	
46	D. E. J. School, Keamari	..	..	564	420	
47	Mama Parsi Girls' High School, Karachi	..	..	14,589	12,508	
48	Indian Girls' High School, Karachi	..	..	11,543	10,000	
49	Maha Kanya Vidyalaya, Karachi	..	..	6,183	5,200	
50	Kundanmal Girls' High School, Hyderabad	..	..	10,501	10,500	
51	Nava Kanya Vidyalaya, Hyderabad	..	..	5,373	5,000	
52	Piggot A. V. School, Hyderabad	..	..	2,039	1,762	

## STATEMENT C

(e) and (f) The names of A. V. Schools in Sind which received supplementary grants in 1926-27 and 1923-24, and proportion of the two years grant.

No.	Name of School	Ordinary grant received in 1926-27	Supplement- ary grant received in 1923-24	Supplement- ary grant received in 1926-27	Proportion
		Rs.	Rs.	Rs.	
1	Sind Madressah, Karachi	36,000 21,000 57,000	3,000	3,000	1 : 1
2	A. V. School, Tatta	2,724	500	176	1 : '3
3	N. H. Academy, Hyderabad	13,298	1,125	29	1 : '02
4	New English School, Hyderabad	1,350	160	143	1 : '89
5	A. V. School, Nasarpur	1,119	160	160	1 : 1
6	A. V. School, Mithi	1,846	253	238	1 : '94
7	A. V. School, Sehwan	1,764	350	148	1 : '42
8	A. V. School, Kambar	2,040	280	125	1 : '48
9	A. V. School, Ratodero	2,800	479	232	1 : '48

## HEAD MASTERS' ALLOWANCE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased—

(a) to place on the Council table a copy of Government of Bombay Press Note No. 560, dated the 3rd December 1923, Education Department, relating to the revision of pay of primary school teachers with any alterations subsequently made therein ;

(b) to state whether it is a fact that under that Press Note a headmaster who has finished three years' course at a Training College is not entitled to headmasters' allowance unless he has completed at least ten years' service, but a headmaster who has finished only two years' course at a Training College becomes entitled to headmasters' allowance as soon as he completes five years' service ;

(c) to state whether it is a fact that under the Press Note it is permissible to grant headmasters' allowance to a headmaster who has finished only one year's course even though he may have completed less than five years' service ;

(d) to state whether it is a fact that a teacher who has finished three years' course is regarded as better qualified than one who has finished only two years' course and that a teacher who has finished two years' course is regarded as better qualified than one who has finished only one year's course ;

(e) to state the reasons which have made them place the more qualified teachers at a disadvantage as compared with the less qualified teacher ;

(f) to state whether it is their intention to remove the anomalies indicated in parts (b) and (c) ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) A copy of Educational Department Press Note No. 560, dated the 3rd December 1923, together with a copy of the modifications subsequently made therein, has been placed in the Reading Room for the Members of the Legislative Council.

(b), (c) and (d) Yes.

(e) Because junior second and third year teachers are required as assistants in large schools and not as Headmasters of small schools.

(f) In view of the reply to (e) above this does not arise.

## TAKAVI ; FLOODED AREAS IN SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the amount of takavi applied for after the recent floods by agriculturists in each taluka in the affected area in Sind ;

(b) the amount of takavi paid by Government in response to the applications of agriculturists in each taluka ?

The Honourable Sir CHUNILAL MEHTA : The information is being collected.

## DISTRICT LOCAL BOARD ELECTIONS : VOTERS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the number of voters for elections to the district local boards in each taluka of each district local board in Sind ;

(b) the number of voters in each taluka who came to the poll on the occasion of the last elections to each district local board ;

(c) the number of seats in each taluka which went uncontested at the last elections ?

The Honourable Sir GHULAM HUSSAIN : (a), (b) and (c) The accompanying statement furnishes the information required.

Number of voters for elections to District Local Boards in each taluka of each District Local Board in Sind		Number of voters in each taluka who came to the poll on the occasion of the last elections to each District Local Board	Number of seats in each taluka which went uncontested at the last elections
Name of Taluka	No. of voters		
1	2	3	4
<i>Karachi District</i>			
Karachi .. ..	314	<i>Nil.</i>	
Tatta .. ..	421	200	
Mirpur Sakro .. ..	405	The number of validly nominated candidates being equal to the number of seats no poll took place in these talukas.	Only one seat in Muhammadan constituency in Tatta Taluka was contested. The remaining 20 seats in the Muhammadan constituencies and 3 seats in General constituencies went uncontested.
Ghorabari .. ..	383		
Sujawal .. ..	400		
Jati .. ..	455		
Mirpur Bathoro .. ..	811		
Shah Bunder .. ..	400		
Kotri .. ..	511		
Manjhand .. ..	180		
<i>Hyderabad District</i>			
Hyderabad .. ..	1,810	599	2
Tando Allahyar .. ..	898	The number of validly nominated candidates being equal to the number of seats no poll took place.	2
Hala .. ..	983	192	4
Dero Mahbal .. ..	678	The number of validly nominated candidates being equal to the number of seats no poll took place.	2
Tando Rago .. ..	994	<i>Do.</i>	4
Badin .. ..	1,790	154	1
Guni .. ..	655	The number of validly nominated candidates being equal to the number of seats no poll took place.	4
<i>Sukkur District</i>			
Sukkur .. ..	1,459	Figures not available	2
Shikarpur .. ..	1,388	<i>Nil.</i>	5
Garhi Yasin .. ..	1,284	<i>Nil.</i>	3



Number of Voters for elections to District Local Boards in each taluka of each District Local Board in Sind		Number of voters in each taluka who came to the Poll on the occasion of the last elections to each District Local Board	Number of seats in each taluka which went uncontested at the last election
Name of Taluka	No. of Voters		
1	2	3	4
<i>Sukkar District—contd.</i>			
Rohri .. ..	872	50	2
Pano Akil .. ..	718	159	2
Ghotki .. ..	862	512	2
Mirpur Mathalo .. ..	1,022	Nil.	2
Ubauro .. ..	710	Nil.	3
<i>Larkana District</i>			
Larkana .. ..	2,329	The number of validly nominated candidates being equal to the number of seats no poll took place.	All seats went uncontested.
Kambha .. ..	2,346		
Ratodero .. ..	1,139		
Mirokhan .. ..	1,667		
Mihar .. ..	956		
Dokri .. ..	1,186		
Kakar .. ..	991		
Warah .. ..	1,159		
Sehwan .. ..	1,058		
Dadu .. ..	798		
Johi .. ..	580		
<i>Nawabshah District</i>			
Kandiaro .. ..	933	203	3
Naushahro .. ..	1,095	7	3
Moro .. ..	1,358	Nil.	5
Sakrand .. ..	698	Nil.	
Nawabshah .. ..	1,186	Nil.	4
Shahdai-pur .. ..	1,217	Nil.	4
Sinjhoro .. ..	1,279	219	2
<i>Thar Parkar District</i>			
Mirpurkhas .. ..	1,141	Figures no available because the election papers have been destroyed according to rules one year after the date of elections.	2
Jamesabad .. ..	1,123		1
Digri .. ..	1,619		2
Sanghar .. ..	206	Uncontested .. ..	4
Khipro .. ..	555		
Umarkot .. ..	527	453	1
Samaro .. ..	541	578*	1

\*The excess in the number of voters who came to the Poll shown in column 3 over the number of voters shown in column 2 is due to the defect in section 15 of the Bombay Local Boards Act, 1923, which section has since been amended.

No. of Voters for elections to District Local Boards in each taluka of each District Local Board in Sind		No. of voters in each taluka who came to the Poll on the occasion of the last elections to each District Local Board	No. of seats in each taluka which went uncontested at the last elections
Name of Taluka	No. of Voters		
1	2	3	4
Diplo ..	31	Not available ..	1
Mithi ..	61	Do. ..	2
Nagar Parkar ..	57	Do. ..	1
Chachro ..	70	Do. ..	1
<i>Upper Sind Frontier</i>			
Jacobabad ..	923	The number of validly nominated candidates being equal to the number of seats no poll took place	18
Shahdadkot ..	524		
Thul ..	1,222		
Kandhkot ..	1,073		
Kashmor ..	692		

**BOMBAY LEGISLATIVE COUNCIL AND LOCAL BOARDS : MUSLIM  
AND NON-MUSLIM VOTERS**

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the number of Muslim and Non-Muslim voters (separately in each municipal area in Sind for municipal and Council elections (separately) ;

(b) the number of Muslim and Non-Muslim voters (separately in each district local board area for district local board, taluka local board and Council elections (separately) ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b). So far as the question relates to the Municipal district local board and taluka local board elections, the accompanying statements give the information required.

*Statement showing the number of Muslim and Non-Muslim voters in each District and Taluka Local Board in Sind.*

Name of the District or Taluka Local Board	Number of voters by the Electoral roll in force	
	Muslims	Non-Muslims
District Local Board, Karachi ..	3,484	787
Taluka Local Board, Karachi ..	857	30
"   "   "   Mirpur Sakro ..	638	107
"   "   "   Tatta ..	1,114	135
"   "   "   Ghorabari ..	399	105
"   "   "   Sujawal ..	732	123
"   "   "   Mirpur Bathoro ..	1,514	242
"   "   "   Jati ..	555	105
"   "   "   Shahbunder ..	608	141

Name of the District or Taluka Local Board	Number of voters by the Electoral roll in force	
	Muslims	Non-Muslims
Taluka Local Board, Kotri .. .. .	1,738	105
" " " Manjhand .. .. .	406	116
District Local Board, Hyderabad .. .. .	6,368	1,666
Taluka Local Board, Hyderabad .. .. .	2,513	586
" " " Hala .. .. .	1,255	436
" " " Tando Allahyar .. .. .	2,079	599
" " " Guni .. .. .	990	228
" " " Badin .. .. .	2,531	365
" " " Tando Bago .. .. .	1,565	295
" " " Dero Mohbat .. .. .	1,291	218
District Local Board, Sukkur .. .. .	5,002	2,913
Taluka Local Board, Sukkur .. .. .	2,649	1,543
" " " Shikarpur .. .. .	2,190	946
" " " Garhi Yasin .. .. .	2,445	941
" " " Rohri .. .. .	2,002	853
" " " Pano Akil .. .. .	2,569	528
" " " Ghotki .. .. .	3,052	633
" " " Mirpur Mathelo .. .. .	2,656	628
" " " Ubauro .. .. .	2,154	794
District Local Board, Larkana .. .. .	11,037	4,344
Taluka Local Board, Larkana .. .. .	3,408	465
" " " Kambar .. .. .	4,000	860
" " " Ratodero .. .. .	1,723	791
" " " Mirokhan .. .. .	2,359	637
" " " Mehar .. .. .	2,198	833
" " " Dokri .. .. .	2,731	1,202
" " " Kakar .. .. .	2,198	890
" " " Warah .. .. .	2,597	666
" " " Schwan .. .. .	667	782
" " " Dadu .. .. .	1,483	428
" " " Johi .. .. .	1,448	312
District Local Board, Nawabshah .. .. .	5,493	2,273
Taluka Local Board, Kandhro .. .. .	2,648	1,193
" " " Naushahio .. .. .	3,167	1,182
" " " Moro .. .. .	2,128	697
" " " Sakrand .. .. .	1,206	197
" " " Nawabshah .. .. .	1,421	236
" " " Shahdampur .. .. .	1,990	612
" " " Sinjoro .. .. .	1,433	688
District Local Board, Thar Parkar .. .. .	3,692	1,446
Taluka Local Board, Mirpurkhas .. .. .	1,413	554
" " " Jamesabad .. .. .	1,125	285
" " " Digri .. .. .	1,633	496
" " " Sanghar .. .. .	257	41
" " " Khipro .. .. .	893	135
" " " Umarnkot .. .. .	732	414
" " " Samaro .. .. .	559	128
" " " Chachro .. .. .	1,290	1,541
" " " Diplo .. .. .	287	118
" " " Mithi .. .. .	489	477
" " " Nagar Parkar .. .. .	597	900
District Local Board, Upper Sind Frontier .. .. .	3,671	760
Taluka Local Board, Jachhabad .. .. .	842	178
" " " Shahdadkot .. .. .	560	131
" " " Thul .. .. .	1,139	233
" " " Kandhkot .. .. .	1,064	176
" " " Kashmore .. .. .	756	113

*Statement showing the number of Muslim and Non-Muslim voters for Municipal elections.*

Name of the Municipality	Number of voters by the electoral roll in force	
	Muslims	Non-Muslims
Karachi Municipality .. .. .	20,792	38,912
Tatta .. .. .	565	1,136
Keti Bunder .. .. .	165	190
Kotri .. .. .	645	566
Manjband .. .. .	158	405
Hydrabad Municipality .. .. .	4,522	10,952
Hala .. .. .	694	431
Tando Allahyar .. .. .	233	709
Matlari .. .. .	827	264
Nasarpur .. .. .	540	388
Tando Muhammad Khan Municipality .. .. .	428	546
Sukkur Municipality .. .. .	3,042	6,838
Shikarpur .. .. .	3,335	9,357
Rohri .. .. .	481	1,512
Garhi Yasin .. .. .	473	979
Ghotki .. .. .	239	558
Larkana .. .. .	1,262	2,360
Kambar .. .. .	1,196	857
Ratodero .. .. .	384	766
Sehwan .. .. .	266	264
Bubak .. .. .	198	360
Tando Adam .. .. .	357	1,785
Shahdadpur .. .. .	237	652
Mirpurkhas .. .. .	495	1,116
Umarkot .. .. .	116	502
Jacobabad .. .. .	1,107	1,512

## SCHOLARSHIPS SANCTIONED BY DISTRICT LOCAL BOARDS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state the number and value of scholarships sanctioned by each district local board for pupils belonging to Muhammadans, advanced Hindu, intermediate Hindu and backward Hindu classes (separately) studying in (1) primary schools (2) secondary schools (3) colleges ?

The Honourable Dewan Bahadur HARILAL D. DESAI : The accompanying statement gives the information required.

Statement giving information about the number and value

Name of District Local Board	Muhammadans		Advanced Hindus	
	No.	Value per mensem	No.	Value per mensem
		Rs. a. p.		Rs. a. p.
<b>PRIMARY SCHOOLS</b>				
<i>Bombay Division</i>				
Bombay Suburban District .. .. .	..	..	..	..
Thana .. .	8	3 0 0	..	..
	4	2 0 0		
Kolaba .. .. .	8	3 0 0	1	4 0 0
	3	2 0 0	3	3 0 0
			5	2 0 0
Ratnagiri .. .. .	10	10 0 0	..	..
	5	5 0 0		
	3	3 0 0		
Nasik .. .. .	7	2 0 0	3	2 0 0
	5	1 0 0		
<i>Central Division</i>				
Poona .. .. .	1	4 0 0	4	3 0 0
	7	3 0 0	9	2 0 0
	7	2 0 0		
Satara .. .. .	13	0 8 0	4	2 0 0
	5	1 0 0	1	1 0 0
	2	1 8 0		
	6	2 0 0		
Sholapur .. .. .	6	4 0 0	2	2 0 0
	1	3 0 0		
	17	2 0 0		
Ahmednagar .. .. .	7	9 0 0	15	8 0 0
	9	8 0 0	17	7 0 0
	4	7 0 0		
	1	6 0 0		
East Khandesh .. .. .	14	10 0 0	..	..
	7	3 0 0		

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## Oral Answers

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*of scholarships sanctioned by the District Local Boards*

Intermediate Hindus		Backward Hindus		Remarks
No.	Value per mensem	No.	Value per mensem	
	Ra. a. p.		Ra. a. p.	
82	5 0 0	30	8 0 0	
45	4 0 0	16	7 0 0	
60	3 0 0	764	0 4 0	
65	2 0 0			
8	5 0 0	1	4 0 0	
6	4 0 0	3	3 0 0	
3	3 0 0	4	2 0 0	
5	2 0 0			
2	5 0 0	21	1 0 0	
8	4 0 0	24	0 8 0	
12	3 0 0			
29	2 0 0			
18	2 0 0	58	2 0 0	
		10	3 0 0	
6	4 0 0	40	7 8 0	
55	3 0 0	11	4 0 0	
20	2 0 0	45	3 0 0	
5	1 0 0	8	2 0 0	
		1	1 0 0	
18	1 0 0	13	0 8 0	
13	2 0 0	81	1 0 0	
1	1 8 0	56	2 0 0	
3	0 8 0			
9	4 0 0	7	4 0 0	
12	3 0 0	21	3 0 0	
26	2 0 0	42	2 0 0	
		10	1 0 0	
11	9 0 0	10	10 0 0	
49	8 0 0	5	9 0 0	
		20	8 0 0	
		39	7 0 0	
4	2 0 0	4	4 0 0	
		18	3 0 0	
		35	2 0 0	
		54	1 0 0	

Name of District Local Board	Muhammadans		Advanced Hindus	
	No.	Value per mensem	No.	Value per mensem
		Rs. a. p.		Rs. a. p.
<b>PRIMARY SCHOOLS—contd.</b>				
<i>Central Division—contd.</i>				
West Khandesh .. .. .	12	3 0 0	6	2 0 0
	3	0 8 0		
<i>Northern Division</i>				
Ahmedabad .. .. .	..	..	..	..
Kalra .. .. .	68	*15 0 0	108	*18 0 0
Panch Mahals .. .. .	..	..	..	..
<i>Broach</i>				
	15	9 0 0	1	2 0 0
	8	3 0 0	3	1 0 0
	36	0 4 0	7	0 8 0
	144	0 2 0	213	0 4 0
			464	0 2 0
<i>Surat</i>				
Surat .. .. .	106	3 0 0	..	..
<i>Southern Division</i>				
Dharwar .. .. .	3	5 0 0	1	4 0 0
	10	3 0 0		
<i>Belgaum</i>				
Belgaum .. .. .	8	3 0 0	2	4 0 0
	1	2 0 0	2	2 0 0
Bijapur .. .. .	25	..	..	..



Intermediate Hindus		Backwards Hindus		Remarks
No.	Value per mensem	No.	Value per mensem	
	Rs. a. p.		Rs. a. p.	
..	.	35	9 0 0	
		10	7 0 0	
		14	3 0 0	
		61	2 0 0	
		17	1 0 0	
..	.	..	..	22 at Rs. 3, 2 at Rs. 2. 6 at Rs. 1; 14 at Rs. 0-12-0 60 at Rs. 0-8-0, 180 at Rs. 0-4-0 708 at Rs. 0-2-0
638	*152-8-0	172	*217 0 0	* Represents the monthly amount.
		1	2 0 0	41 at Rs. 3,
		4	1 0 0	3 at Rs. 2,
		20	0 8 0	2 at Rs. 1.
		40	0 4 0	576 at Rs. 0-2-0. } Vide remark against Ahmedabad.
		112	0 2 0	
..	.	15	8 0 0	
		1	2 0 0	
		1	2 0 0	
		3	1 0 0	
		21	0 8 0	
		136	0 4 0	
		256	0 2 0	
..	..	24	3 0 0	
		24	2 0 0	
		72	1 0 0	
		360	0 8 0	
		1,200	0 4 0	
		2,616	0 2 0	
4	5 0 0	12	5 0 0	
6	4 0 0	4	4 0 0	
		23	3 0 0	
		7	2 0 0	
4	4 0 0	10	5 0 0	
4	3 0 0	12	4 0 0	
2	1 0 0	12	3 0 0	
11	..	30	..	Rate for Standard III .. Rs. 3 IV .. „ 3 V .. „ 3 VI and VII .. „ 3

District Local Board has not sanctioned separate allotments for awarding scholarships to different communities.

The total allotment for these scholarships is Rs. 2,982.

Name of District Local Board	Muhammadans		Advanced Hindus	
	No.	Value per mensem	No.	Value per mensem
<b>PRIMARY SCHOOLS—contd.</b>		Rs. a. p.		Rs. a. p.
<i>Southern Division—contd.</i>				
Kanara .. .. .	4	3 0 0	..	.. .
<i>Sind</i>				
Karachi .. .. .	80	3 0 0	..	..
	55	2 0 0		
Thar Parkar .. .. .	4	5 0 0	..	..
	26	3 0 0		
	31	2 0 0		
Hyderabad .. .. .	50	3 0 0	..	..
	40	2 0 0		
Nawabahah .. .. .	50	3 0 0	..	..
	25	2 0 0		
Sukkur .. .. .	50	3 0 0	..	..
	25	2 0 0		
Upper Sind Frontier .. .. .	50	3 0 0	..	..
	25	2 0 0		
Larkana .. .. .	35	3 0 0	..	..
	50	2 0 0		
<b>SECONDARY SCHOOLS</b>				
<i>B. D.</i>				
Thana .. .. .	..	..	1	3 0 0
<i>C. D.</i>	<i>Nil</i>		<i>Nil</i>	
<i>N. D.</i>				
Surat .. .. .	..	..	..	..
<i>S. D.</i>	<i>Nil</i>		<i>Nil</i>	
<i>Sind</i>	..	..	..	..
<b>COLLEGES</b>				
<i>Sind</i>				
Nawabaha .. .. .	1	10 0 0	..	..
Karachi .. .. .	7	30 0 0	..	..
Thar Parkar .. .. .	1	20 0 0	..	..

Intermediate Hindus		Backward Hindus		Remarks
No.	Value per mensem	No.	Value per mensem	
	Rs. a. p.		Rs. a. p.	
4	3 8 0	4	4 0 0	
4	3 0 0	4	3 8 0	
		6	3 0 0	
		5	2 8 0	
		10	2 0 0	
		7	1 8 0	
		5	1 0 0	
		8	0 8 0	
34	3 0 0	9	3 0 0	5 at Rs. 4 ; } For girls { One-third of the total number 15 at Rs. 3 ; } of all reserved for Hindus and two 30 at Rs. 2 ; } castes. { thirds for Muhammadans. 123 at Re. 1. }
30	3 0 0	10	3 0 0	73 at Re. 1 for girls of all castes.
12	3 0 0	25	3 0 0	5 at Rs. 5 ; } For girls of all castes. 15 at Rs. 3. }
10	3 0 0	2	2 0 0	
4	3 0 0	3	3 0 0	
3	3 0 0	..	..	14 at Rs. 3 for girls of all castes.
..	..	..	..	15 at Rs. 3 ; } For boys of all castes. 25 at Rs. 2. }
..	..	..	..	The District Local Board has sanctioned a scholarship at Rs. 3 per mensem from Cogan Memorial Fund and is paid this year (1927-28).
Nil	..	1	10 0 0	The District Local Board has sanctioned one scholarship at Rs. 10 per mensem
..	..	..	..	District Local Board, Thar Parkar, gives free boarder ship to 24 Muhammadans and 22 Hindu Backward communities of the value of Rs. 10 per mensem each.
..	..	..	..	The District Local Board has sanctioned one scholarship at Rs. 10 per mensem to a student studying in the Sind National College, Hyderabad.
..	..	..	..	The District Local Board, Karachi, has sanctioned 7 scholarships to students studying in the D. J. Sind College, Karachi.
..	..	1	20 0 0	The District Local Board, Thar Parkar, has sanctioned 2 scholarships to students studying in the D. J. Sind College, Karachi.

## PROVINCIAL SERVICES : SELECTION COMMITTEES

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that selection committees have been constituted for some of the Provincial Services in the Presidency ;

(b) what is the composition of each of these committees ;

(c) what is the tenure of office of the members of these committees ?

The Honourable Sir CHUNILAL MEHTA : (a) Yes.

(b) and (c) (1) The selection Committees for the Judicial Branch of the Bombay Civil Service consist :

(i) in the Presidency proper of not more than five members ; three being ordinary High Court Judges, with the senior Judge as Chairman, and two Sub-Judges or Practising Barristers or Advocates or Pleaders ;

(ii) in Sind, of not more than five members including the Judicial Commissioner in Sind who is an Ex-officio member and Chairman of the Committee.

Out of the remaining 4 members who are appointed by the Judicial Commissioner in Sind—

2 are ordinary additional Judicial Commissioners and

2 are District Judges, or Sub-Judges or Practising Barristers or Advocates or Pleaders.

(2) For the Bombay Police Service the selection committees are :

(i) in the Presidency proper—5 members comprising

1—the Inspector General of Police

1—the Deputy Inspector General of Police, Southern Range

1—the Director of Public Instruction

2—non-officials.

—  
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(ii) in Sind—3 members comprising

1—the Commissioner in Sind

1—the Deputy Inspector General of Police, Sind

1—Police officer suggested by the Commissioner in Sind.

—  
3

2. These committees for the Judicial and Police Services are not permanently constituted, but they are appointed whenever candidates have to be selected for recruitment.

3. *The Bombay Educational Service.*—The Provincial Committee for the selection of recruits for the Bombay Educational Service was constituted in 1920, and is composed of—

3 officials :—

1—the Director of Public Instruction

1—the Senior Educational Inspector

1—an experienced Principal of a Government college

2—non-officials :—

1 Hindu	} Educationists occupying representative positions in their respective communities.
1 Muhammadan	

4. The non-officials hold office for three years but are eligible for re-appointment.

5. *The Bombay Service of Engineers*.—The selection committee is composed of the following :—

1—the Chief Engineer and Secretary or Joint Secretary to Government, Public Works Department, is the *Chairman*.

1—the Principal, College of Engineering, Poona, is the Secretary and Member.

#### Members

1—the Principal, N. E. D. Civil Engineering College, Karachi.

2—officers of the Indian Service of Engineers.

2—non-officials with science or engineering qualifications.

—  
7

6. The period of the appointment of the Members is three years (since 1926).

7. *The Bombay Civil Service*.—Two permanent boards have been constituted for the selection of direct recruits for the posts of probationary Deputy Collectors :—

(i) for the Presidency proper  
composed of :—

1—the Secretary to Government, Revenue Department, and

2 Commissioners selected *ad hoc* (the Commissioner of Settlements is eligible for serving on the board)

(ii) for Sind—  
composed of :—

1 the Commissioner in Sind

1 or 2 Collectors appointed *ad hoc*

8. *The Superintendents of Excise*.—A committee of officials and non-officials was appointed when the appointment of a probationer for the post of Superintendent of Excise was made in 1924.

9. There are no selection boards for recruitment to other Provincial Services or posts.

#### IRRIGATION TANKS

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(a) how many irrigation tanks there are for the village Chabbi, taluka Hubli;

(b) what is the irrigation cess per year on the Tari lands under these tanks;

(c) whether it is a fact that the irrigators below the tank have not been getting sufficient water for the last ten or fifteen years for Tari crops and in spite of this they have been paying the water cess in addition to the land revenue;

(d) whether it was contemplated that two feeder channels, one through black soil to the east of the tank and the other from the Benni Nala near the village, were to be constructed before the war;

(e) whether the ryots of the village have made several applications in this respect to construct these feeder channels ;

(f) when will Government take steps to construct these feeder channels ?

The Honourable Sir COWASJI JEHangIR : The information has been called for.

#### THE SATHE-PARANJPYE SCHEME

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state :—

(a) whether they have come to any definite decision regarding the Sathe-Paranjpye Scheme ;

(b) whether they propose to sanction the same in the case of such local authorities as have expressed or may express their approval of it ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) and (b) The whole question is still under consideration.

#### GOCULDAS TEJPAL HOSPITAL : RESIDENT HOUSE PHYSICIANS AND SURGEONS

Mr. P. J. MARZBAN on behalf of Dr. M. D. GILDER (Bombay City, North) : Will the Honourable the Minister of Education be pleased to state—

(a) whether female students of the Grant Medical College are being sent to the Goculdas Tejpal Hospital for clinical instruction ;

(b) the number of resident house physicianships and house surgeonships open to fresh medical graduates at the Goculdas Tejpal Hospital ;

(c) whether these posts are open to students of the Hospital only or to medical graduates in general ;

(d) whether they are reserved for males only or are open to females also ;

(e) if they are reserved for males only, will he be pleased to state the reasons why ;

(f) if they are open to both sexes, will he be pleased to state how many female graduates have been appointed to these posts ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) Four house physicianships and two house surgeonships.

(c) They are open to medical graduates in general.

(d) They are reserved for males only.

(e) There are no special facilities and quarters to accommodate lady graduates.

(f) Does not arise.

#### FACTORY AND BOILER INSPECTORS AND MECHANICAL ENGINEERS

Mr. P. J. MARZBAN (Bombay City, South) : Will Government be pleased to state—

(a) what is the total number of posts of Factory and Boiler Inspectors and Mechanical Engineers in the employment of the Provincial Government ;

- (b) what are their salaries at present ;  
 (c) how many of these posts are held by Indians and on what salaries ;  
 (d) how many of these are held by non-Indians and on what salaries ?

The Honourable Sir COWASJI JEHangIR (a) to (d). The attached statement furnishes the information as regards Factory and Steam Boiler Departments. The Honourable Member is referred to the Honourable Member in charge Public Works Department for information regarding Mechanical Engineers.

Factory Department				Present pay	
Race				Rs.	
1	Chief Inspector of Factories	Non-Indian	..	950 per mensem plus	£30 overseas pay per mensem.
1	Inspector	..	..	800	per mensem.
1	Inspector	..	..	800	" "
1	Inspector	..	Indian	750 plus	Rs. 50 personal pay.
1	Lady Factory Inspector	..	..	250	per mensem.
1	Assistant Inspector	..	..	425	" "
1	"	..	..	425	" "
1	"	..	..	400	" "
<hr/>					
8					

Steam Boiler Department				Present pay	
Race				Rs.	
1	Chief Inspector	..	Non-Indian	1,200	per mensem.
1	Inspector	..	..	730	" "
1	"	..	..	700	" "
1	"	..	..	670	" "
1	"	..	..	610	" "
1	"	..	Indian	580	" "
1	"	..	..	460	" "
1	"	..	..	440	" "
1	"	..	..	460	" "
1	"	..	Non-Indian	440	" "
1	"	..	Indian	400	" "
<hr/>					
11					

Note.—In both the Factory and Steam Boiler Departments the sanctioned rate of pay is common to both Indians and non-Indians. The Chief Inspectors of both the Departments stationed in Bombay are admitted to the benefits of the Bombay House Allowance Scheme. The Inspectors stationed at Ahmedabad, Karachi and Poona get a house rent allowance of Rs. 50 per mensem and Assistant Inspectors Rs. 25 per mensem. Conveyance Allowances are granted to Inspectors of both the Departments as follows :—

Chief Inspector and Inspectors at Bombay,  
 Ahmedabad and Karachi.

Rs. 150 per mensem for a motor car or Rs. 75 per mensem for a motor cycle or carriage actually maintained.

Assistant Inspectors of Factories

.. Rs. 75 per mensem for a motor cycle actually maintained.

#### SCHOOLS AT PAL AND SATEM

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(a) the population of the village of Pal in the Chorasi taluka and Satem in the Jalalpore taluka of the Surat district ;

(b) whether there are local board schools at present in these villages ;

(c) if not, how long these villages have been without schools and why ?

The Honoufable Dewan Bahadur HARILAL D. DESAI : (a) The population of Pal is 977 and that of Satem is 1,623.

(b) No.

(c) On account of Non-co-operation the Satem School was closed on 1st April 1922 and the School at Pal was closed on 1st September 1921. As the District Local Board, Surat, refuses to bear its own share of the additional expenditure involved in re-opening the schools it has not been possible to re-open them.

#### UNTRAINED TEACHERS IN NORTHERN DIVISION : PAYMENTS

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) whether they have issued orders to give Rs. 25 to untrained teachers of the Ahmedabad district ;

(b) if the reply to (a) be in the affirmative, whether similar orders have been issued for other districts of the Northern Division also ;

(c) if the reply to (b) is in the negative, whether they propose to issue the same orders for all other districts ;

(d) if the reply to (c) be in the negative, the reasons for the same ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) No.

(c) No.

(d) The Ahmedabad District Local Board strongly desired that the new untrained teachers employed since 30th June 1923 should be paid at the same rate as the untrained teachers in permanent employment on that date and Government saw no objections to the wishes of the Board being met with effect from 1st December 1925 as the requisite funds from which to meet the extra cost to Government on this account were available.

#### ORTHOPAEDIC SURGEON : G. T. AND J. J. HOSPITALS.

Rao Bahadur B. R. NAIK on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) whether it is a fact that the Orthopaedic Surgeon at the G. T. Hospital is appointed as General Surgeon and Associate Professor in the J. J. Hospital and is also in charge of the Electro-Therapeutic Department in the G. T. Hospital ;

(b) whether it is a fact that the gentleman in charge of these various posts has superseded senior men in the J. J. Hospital ;

(c) whether the posts were advertised before they were given to the Orthopaedic Surgeon at the G. T. Hospital ;

(d) whether the matter was placed before the Council of the Grant Medical College ;

(e) the hours of attendance of the officer referred to in (a) at both these hospitals and in the Grant Medical College ?



The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The Honorary Orthopædic Surgeon, G. T. Hospital, is also an Honorary Surgeon and Associate Professor of Surgery at the J. J. Hospital. He is not in charge of the Electro-Therapeutic Department at the G. T. Hospital.

(b) As the posts to which Dr. Parmar was appointed are honorary and for five years there is no question of seniority in appointing persons to hold them. Applicants who are considered most suitable for hospital work and clinical teaching and are expected to be most successful with the students are usually selected.

(c) No.

(d) No, it is not usual to do so.

(e) *J. J. Hospital*—

On operation days	..	..	.. 9 a.m.
On other days	..	..	.. 9-30 a.m.
<i>Grant Medical College on Lecture days</i>			.. 12-30 to 1-30 p.m.

*G. T. Hospital*—

Out-patient and operation days	..	.. 8-30 a.m.
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#### ADEN CIVIL AND CRIMINAL JURISDICTION ACT

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state whether the Aden Civil and Criminal Jurisdiction Act is to be passed by this House? If not, why not?

The Honourable Sir CHUNILAL MEHTA: The Honourable Member is probably aware that the Bill to amend the Act referred to has passed through all the stages in this House.

#### MEDICAL HELP

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH. (Ahmedabad District): Will Government be pleased to state—

(a) whether they are aware that Bombay Medical Council has issued a notice to Dr. Mansukhlal T. Shah, M.B.B.S., a registered practitioner on the roll of the Bombay Medical Council, in connection with what appeared in "Saurashtra" under the signature of the president of the Saurashtra Seva Samiti;

(b) whether they are aware that the president of the Seva Samiti has made a statement that he is solely responsible for what appeared under his signature and none but he was responsible directly or indirectly for the matter that appeared in the print;

(c) whether they are aware that the cause that the Samiti undertook and to which publicity was given under the signature of the president was purely humanitarian and not for private gain of any individual;

(d) whether they are aware that Dr. Mathradas of Mogha whom the Samiti invited for performing eye operations accepted the invitation and performed about 1,922 operations in about 64 hours, out of which:

all except 45 operations were successful, all without any fees or charge, quite gratis, and that he did not even charge his travelling expenses of coming down from his place, and that during his stay of ten days he did not have any private practice whatsoever, treated every one, rich and poor alike, quite free of all fees and charges ;

(e) whether they are aware that this philanthropic visit of Dr. Mathradas conferred the boon of eyesight on hundreds of poor people, free of all costs and charges ;

(f) whether they are aware that Sir Prabhashankar Pattni, the president of the Council of Administration of the Bhavnagar State, having witnessed things personally, invited Dr. Mathradas to his State to render the same service to humanity in the next winter ;

(g) whether in view of the great boon Dr. Mathradas is conferring on the poor, without any idea of any private gain in return, if the Saurashtra Seva Samiti, Ranpur, Dhandhuka taluka, Ahmedabad district, invites the Doctor to give the same advantage to the Ahmedabad district, Government intend to give all facilities and encouragement as the Political Agent and the Deputy Political Agent of the Eastern Kathiawar States did in the first visit of Dr. Mathradas ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The Bombay Medical Council has asked Dr. Mansukhlal T. Shah to explain how he has permitted his name to appear in the "Saurashtra" in connection with the visit of Dr. Mathradas to Wadhwan, as it was mentioned in that Journal that the preliminary work would be done by Dr. M. T. Shah, a specialist in diseases of the eye, which, in the opinion of the Council, is wrong, as it advertises the name of a doctor to the public. There would have been no objection raised if the "Saurashtra" had stated that the preliminary work of sorting would be done by "a competent ophthalmologist."

(b), (c), (d), (e) and (f) The reply is in the affirmative.

(g) It is not understood what the words "all facilities and encouragement" are intended to convey, but there will be no objection to a notice appearing in two vernacular papers once to the effect that Dr. Mathradas, Ophthalmologist of Mogha, "will visit a certain place between specified dates."

#### ADEN ADMINISTRATION

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether any final decision has been arrived at with regard to the administration of Aden ;

(b) whether the Civil Government as distinguished from the Military Government will remain as usual with the Government of Bombay ;

(c) whether courts of justice will remain under the High Court of Bombay ?

The Honourable Sir CHUNILAL METHA : (a) No further decision than that announced at the last Session has been arrived at.

(b) According to present arrangements the Civil Government will remain with the Government of Bombay but, as already stated in this House, details are still under discussion.

(c) This is the intention.

#### ADEN ADMINISTRATION

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to make a full statement without qualifications such as "As far as we are aware, etc.," of the position of Government in Aden resulting from the decision of the Imperial Government?

The Honourable Sir CHUNILAL MEHTA: Attention is invited to the answer to the question above and to the statements made in the February-March Session of this Council and in the debate on the Aden Bill in the July-August Session. Aden will continue to be part of British India and its civil administration remains with the Government of India, the Bombay Government continuing, according to present arrangements, to exercise control and superintendence of that administration.

#### VILLAGE ROADS IN GUJARAT

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) whether they are aware that most of the Bhal villages in the Dhandhuka Taluka remain as so many islands in the monsoon and it is dangerous, if not almost impossible in monsoon and a month after that, to travel from one village to another;

(b) if the answer to (a) is in the affirmative, whether they intend to recommend the matter for favourable consideration to the Road Board?

The Honourable Sir GHULAM HUSSAIN: (a) It is correct that the Bhal tract being low lying becomes water-logged and villages which are not connected by roads experience difficulties in respect of communications during the rainy season.

(b) As these roads are not of provincial importance the duty of providing them devolves on the District Local Board and not on the Road Board.

#### ROADS IN GUJARAT AND DECCAN

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) the total mileage of metalled roads, of provincial roads and local board roads, in each of the different districts of Gujarat and those of the Deccan;

(b) the figures for the last ten years of the road grants made by Government to each of the different districts of Gujarat and the Deccan;

(c) the figures for the last ten years of expenditure recurring and non-recurring on provincial roads in each of the districts of Gujarat and the Deccan ?

The Honourable Sir GHULAM HUSSAIN: The information has been called for.

#### EDUCATIONAL GRANTS TO DISTRICT LOCAL BOARDS

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) the figures of educational grants to the district local boards of the Presidency of the years—

1920-21

1921-22

1922-23

1923-24

1924-25

1925-26 ;

(b) the datum line fixed for the boards that have taken over the control of education and the date when they took over the control of education ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Information has been called for.

#### PREVENTIVE POLICE : VIRAMGAUM STATION

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District): Will Government be pleased to state—

(a) whether a number of preventive police constables are stationed at Viramgaum Station and whether they attend all the trains ;

(b) whether they examine the kit of passengers ;

(c) the grounds on which the policeman is authorised to examine the kit of the passengers ;

(d) whether the formalities such as the presence of a punch and panchatnama are prescribed or not ? If prescribed, whether the formalities are observed by the men on duty ;

(e) whether any register is kept wherein the daily cases which the policeman on duty may be examining on doubt and the result thereof might be recorded ? If not, why not ?

The Honourable Mr. G. B. PRADHAN : (a) An excise staff consisting of 1 Amaldar, 4 peons and 1 female searcher is posted at Viramgaum Station. This staff is present at the station on the arrival of all trains.

(b) The staff examines the kit of only such passengers as are considered likely to be in illicit possession of excisable articles or about whom previous information of the likelihood of them being smugglers has been received.

(c) Excise men are authorised by law to examine the kit of suspected passengers with a view to the prevention of offences under the Excise laws.

(d) Such formalities as are prescribed by law or by rules are duly observed.

(e) A Register of searches made is not maintained. A "Crime Register" showing the particulars of cases detected is however maintained. A register of all searches made would serve no useful purpose, but, on the contrary, would give much unnecessary work to the Excise Department and cause inconvenience to the public, since it would necessitate the detention of the parties searched in order to ascertain their names, addresses, and other particulars. As Viramgaum is a junction such detention might frequently involve the missing of connecting trains.

#### FOREST LANDS : DHOLKA TALUKA

Mr. N. A. BECHAR on behalf of Mr. A. D. SHETH (Ahmedabad District) : Will Government be pleased to state—

(a) whether they are aware that in the village Dhanavada in the Dholka Taluka of the Ahmedabad District, just on the boundary of the village there are two thousand Bighas of land belonging to some Talukdars all of which are full of dense Babul forests ;

(b) whether they are aware that touching the two thousand Bighas of land stated in (a) there are one thousand Bighas of land belonging to the Thakore Saheb of Sanand in the limits of another village of the same taluka namely Ramodra and this land too is full of the same type of dense Babul trees ;

(c) whether they are aware that lands mentioned in (a) and (b) are a great resort of different animals in great numbers who regularly ravage the crops of surrounding villages every year ;

(d) whether they intend to take any action in the matter and if so, what ?

The Honourable Mr. J. L. RIEU : (a) Yes. In Dhanwada village, taluka Dholka, there are 1,075 acres of wanta land belonging to three talukdars. Of this area 500 acres are waste and are covered with babul trees.

(b) There is no village called Ramodra, but the honourable member probably refers to the village of Sakodra in Dholka Taluka belonging to the Sanand estate, where there is wanta land measuring about 602 acres lying waste and covered with babul trees.

(c) Yes.

(d) As the waste lands belong to the talukdars no action can be taken by Government in the direction of clearing the land of trees. The Thakor of Sanand is however having his jungle land cleared, and the work has been going on for the last eight months. Some portion of the Dhanwada jungle is also being cleared by its owners through the agency of the same contractors who are working for the Thakor of Sanand.

*(Further consideration of Mr. R. G. Pradhan's Motion to present an address to His Excellency the Governor.)*

The Honourable Sir CHUNILAL MEHTA : Sir, I do not know whether to attach too great importance to this motion or too little importance, on account of the fact that no honourable member has thought fit to say a single word about a motion which took half an hour in moving. Sir, I quite understand the honourable member's point of view and I think there is a good deal to be said for what he has urged. The honourable member, I noticed, read extracts from the Montagu-Chelmsford report as well as the Joint Parliamentary Committee's report. He also stated that the Government of India and several provincial Governments have adopted the system of committees. I think there are a few more provinces than were referred to by the honourable member in his speech. What I noticed he omitted to mention was the functions that such committees are to perform. They are, as stated in the Joint Parliamentary Committee report, to be determined entirely by His Excellency or the Government. The honourable member was good enough to refer to the committee which is attached to advise the Finance Department, known as the Finance Committee. I do not know whether the honourable member is aware of the circumstances in which that committee came into existence and also the speeches that were made by honourable members questioning I believe the desirability of having a Finance Committee. Even now at several of these meetings I notice that honourable members are not desirous of expressing their own views. I have no quarrel with that attitude, but the committee was constituted in order to enable discussions across the table and to enable Government to lay before the chosen members of this House in an informal manner all the information that they possess with regard to the financial condition of the presidency. But the committees which my honourable friend urges, namely, standing committees would have to express their views and would have to say whether or not they approve of certain proposals that are put before them for consideration. I am not sure how far the House is prepared to allow these committees to express their opinions. I understand that there is a certain amount of apprehension that such members of the House as may be selected—because they are not to be elected—to join these committees may commit themselves by the expression of their views. I do not know that that is altogether a misfortune. On the contrary I think it will be an advantage.....

Mr. B. G. PAHALAJANI : For them or for Government ?

The Honourable Sir CHUNILAL MEHTA : It will be of advantage. The opinion that I just now mentioned has been expressed to me by several leading members of this House.....

MOULVI RAFIUDDIN AHMAD : Privately ?

The Honourable Sir CHUNILAL MEHTA : Quite informally, and I was hoping that had there been time honourable members would ventilate their views before the House. I was hoping also that the honourable member opposite (Moulvi Rafiuddin Ahmad) as the leader of an influential

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party, would have given us the benefit of his opinion. I am therefore at a disadvantage in the absence of the expression of views. Government have not the slightest desire to press the committees upon an unwilling House. I personally think that this question has come up somewhat late. In view of the early appointment of the Statutory Commission I am wondering whether it is worth while starting upon a new system at this late stage. The question of cost has been referred to by the honourable member, but I do not attach much importance to that point. I should only say that in view of the early discussion that is bound to take place on the whole method of administration in the provinces before the Statutory Commission, I do not know whether it is worth while to pursue this matter now, and in the absence of any strong expression of views on the subject by the opposite benches I think, Sir, that it would be advisable if the honourable member thought fit to withdraw his motion for the present. Government, I fear, without the expression of views that I have alluded to, would not be prepared to support the motion at the present juncture.

Question put and lost.

Mr. R. G. PRADHAN (Nasik District): Mr. President, the next motion which I have to move reads as follows :—

That the following address be presented to His Excellency the Governor of Bombay :

“ May it please Your Excellency,—

We, the members of the Bombay Legislative Council, respectfully pray that your Excellency may be pleased to appoint immediately Council Secretaries as provided for under section 62 (4) of the Government of India Act. ”

The honourable members will notice the reference which my motion makes to section 52 of the Government of India Act. I will therefore read the relevant portion of that section. Clause (4) of that section reads as follows :—

“ The governor of a governor's province may at his discretion appoint from among the non-official members of the local legislature, council secretaries, who shall hold office during his pleasure, and discharge such duties in assisting members of the executive council and ministers as he may assign to them.

There shall be paid to council secretaries so appointed such salary as may be provided by vote of the legislative council.

A council Secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council. ”

Thus there is this statutory provision in the Government of India Act for the appointment of council secretaries. According to that provision council secretaries may be appointed by His Excellency the Governor from among the non-official members, not necessarily elected members but also from nominated members, and they may be appointed in order to discharge duties connected not only with the transferred departments but also with the reserved departments. This question of the appointment of council secretaries was considered by the Muddiman committee. That committee carefully went into the question, a lot of evidence was presented before that committee as regards it and the Muddiman committee has urged, after full and careful consideration of the views of Ministers and Ex-Ministers and others on this point, that council secretaries should be

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appointed, at any rate to help the Government in the administration of the transferred departments.....

MOULVI RAFIUDDIN AHMAD : The honourable member also gave evidence.

Mr. R. G. PRADHAN : Yes. There is this provision in the Government of India Act itself and that provision has been fortified by the considered opinion of the Reforms Enquiry Committee in the year 1925. There should therefore be no objection whatever to the appointment of council secretaries. I do not know what the attitude of the House or of the Government is going to be with regard to this motion. The Honourable the Leader of the House gave expression to a sense of embarrassment whilst speaking on my previous motion. Personally I also feel very greatly embarrassed by not being able to know or to anticipate either the attitude of the Government or the attitude of the Council itself. Probably, the attitude will be the same as has been adopted with regard to my previous motion. Very likely no honourable member will come forward to express any view on this motion, and as, perhaps, owing to a lack of debate the Honourable the Leader of the House may have the final word on this motion just as he had on the other motion, I propose to anticipate objections and do my best to reply to them.

Sir, one objection that was expressed in connection with my last motion, which, I dare say, will be repeated by the Honourable the Leader of the House in speaking on this motion, is that the statutory commission will be coming very shortly, I want to deal with that objection. I am not a political prophet nor am I in the confidence of the Government, whether it is the Home Government or the Government of India or our Bombay Government. No doubt however that Lord Birkenhead has declared that he is no slave of dates. A few months ago Earl Winterton said in the House of Commons that the time for the appointment of the Royal or Parliamentary Commission was drawing so near that the question of the precise date of the appointment of the Commission must be governed by practical considerations. Only this morning I came across a statement made by the London *Sunday Times* that the Statutory Commission would in all probability be appointed in the summer of the next year, and that the Commission would enter upon its labours in the winter of that year. No doubt under the Government of India Act, we are bound to have the Commission in the year 1930, and the surmise will not be far wide of the mark if we think that in all probability the Commission will be appointed and enter upon its labours in the year 1929, but it should be obvious to this House that the Commission will take at least one year to finish its labours and then when its report is submitted the Government will take a good deal of time to consider that report. Probably there will be an exchange of communications between the Home Government and the Government of India and the Provincial Governments and I do not think I am making an extravagant estimate when I say that full one year or more will be taken in arriving at decisions on that report and in giving statutory embodiment



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to the proposals that may be made by the Commission. So it comes to this that nearly four years from now will have been passed and the Honourable the Leader of the House asks us to wait for four years before doing what should have been done by this Government on their own initiative long ago. Are we going to do nothing of this kind for carrying out the proposals which have been made in this motion or the proposals that were made in the former motion for four years more? Will that be right? Will that be justifiable? That is the question which I ask. In fact, I submit, the near appointment of the Royal Commission is an argument in favour of my motion, because one of the questions which the Commission will have to enquire into is this, whether the Government of India Act has been worked to its fullest possibilities, whether all avenues of advance within the structure of the Act have been explored; whether the purposes of the Act have been carried out to the fullest possible extent within the terms of the Act. That will be one of the questions which the Commission will have to decide. Having considered all this what will be the position? The Commission will find out that the Government have not appointed Council Secretaries, have not appointed standing committees, not only that proposals to that effect were rejected; that Government did not receive those proposals sympathetically. The Parliamentary Commission will come to know all these things and what will be the verdict of the Commission? The Commission will say: "Well, the British Parliament and the British people have made provisions in the Government of India Act which could have been utilised by the provincial legislatures and by the Government to develop the purposes of the Act; but even though we have provided for such possibilities of advance under the Act, Government and the people did not care for them." That is bound to be the verdict of the Royal Commission on these matters. Is that a verdict which we should justify by our action? That is the question for consideration which I submit before the House and which I hope will influence their decision on this matter. The Honourable the Leader of the House said some time ago that he did not want to impose standing committees and probably the appointment of Council Secretaries on an unwilling House. If that is to be the sense of the House on such important matters of constitutional advance within the terms of the Act, if that is to be the sense of the House on matters upon which it is our duty to make such progress as is possible even under the restrictions imposed by the Government of India Act, if, I say, that is to be the sense of the House, then all I can say is that that sense is not a genuine reflection of any sane, reasonable and progressive public opinion in this presidency. The House in that case will be expressing not the better mind of this presidency; it will cease to be a genuine reflection of the opinions of those whom the members represent in this Council. It will become more and more a gramophone of the opinion of some members of the Government. I think, Sir, that if that is going to be the sense of the House, it will not do credit to this House. There is no reason why, in view of the early appointment of the Royal Commission we should not make such progress as is possible within

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the terms of the Act itself. The British Parliament and the British Government expect that such progress should be made. If I may remind the House, the Honourable the Home Member of the Government of India said some years ago, when the question of further constitutional reforms came before the Legislative Assembly that there was considerable scope for progress within the terms of the Act itself, and that progress should first be made by the legislatures and the people. If in spite of that, this Government maintain a rigid attitude—I have not the least hesitation in calling it an unreasonable attitude—well, then above and beyond the voice of the Government, I will appeal to His Excellency the Governor himself, that irrespective of the opinion which may be expressed by members of the Government or this part of the House that this motion should be carefully considered by him and effect should be given to the recommendations contained therein. I take my stand on the instructions issued to His Excellency by His Majesty on behalf of the British Government. In the instructions it is stated :

“ And whereas it is our will and pleasure that in the execution of the office of Governor.... You shall further the purposes of the said Act to the end that the institutions and methods of Government therein provided shall be laid upon the best and surest foundations, that the people of the presidency, shall acquire such habits of political action and respect such conventions as will best and soonest fit them for self-government.”

His Excellency the Governor is enjoined by the British Parliament to further the purposes of the said Act.

What are the purposes of this Act ? One of the purposes of the Act is to train the people of this country in the exercise of responsible Government. The Government of India Act provides for the appointment of council secretaries in order that this may be a means of education in responsible government. The Joint Parliamentary Committee has recommended the appointment of standing committees in order that the political education of the people of India may be furthered. In other words the appointment of standing committees and the appointment of council secretaries are some of the means which the British Parliament and the British people have conceded in order to give education to the people of India in the exercise of responsibilities, in order that in course of time, according to the principles and the policy embodied in the preamble to the Government of India Act, full responsibility may be given to them. That I submit is one of the purposes of this Act. In order to fulfil that purpose, it is necessary to carry out the recommendations as regards the means made in the Act. Therefore, as I have said already, if the House remains stolid and support Government, I then would go to His Excellency and appeal to him to follow the instructions that have been given to him by the British Parliament that he shall fulfil the purpose of this Act. I maintain that His Excellency is bound by those instructions and that, therefore, he may be pleased to accept this recommendation, whatever may be the views of this or that side of the House—whatever may be the views of the members of Government. Under those instructions it is the bouden duty of His Excellency the Governor to carry out the

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recommendations that I have made. The argument that the Royal Commission is coming may appear plausible, and it may appeal to some members on this side of the House, but Sir, it has very little substance, on the contrary if rightly considered it will support my contention. For these reasons, Sir, I submit that this motion should be carried.

The Honourable Sir GHULAM HUSSAIN : Sir,.....

An Honourable MEMBER : Sir, the question has not been proposed.

The Honourable the PRESIDENT : It has been proposed. It was moved during the last session ; it was proposed and postponed for this session. Both this address and the last one were moved and proposed.

The Honourable Sir GHULAM HUSSAIN : Sir, as the senior Minister who has been in office since the Reforms, I should like to make a few observations on this address. In the first Council, myself and my two honourable colleagues seriously considered this question ; so we did in the last Council ; and we have done so on this occasion also. We have not been pressing for the appointment of Council Secretaries, because, after due consideration, we have definitely come to the conclusion that it is against the interests of the people, and specially against the interests of the opposition. According to the Act, the Council Secretaries are to be appointed from among the non-official members of the local legislature by the Governor, to hold office during his pleasure and to discharge such duties of assisting the Members of the Executive Council and Ministers as may be assigned to them, and lastly their salaries are to be voted by this honourable House. Well, honourable members know already that during the sessions of the Council our official secretaries are always over-worked, and they find it difficult to attend the Council and also do their ordinary work. If Council Secretaries are appointed, the official secretaries will be relieved of much of the Council work because the duty of the Council Secretaries will naturally be to support the Ministers or Members to whom they are attached. Naturally we will have seven more members from the other side added to this side. If the House is willing to add seven more, we have no objection. (An Honourable Member : Should they support the Government necessarily ?) The Council secretaries should support the Ministers or Members. I cannot appoint a Secretary who will stand up to oppose me. No doubt they will get some sort of practical training when they are appointed. But I think the appointment of such secretaries was not meant, in my opinion,—I may be wrong—for the present constitution. What is our present constitution ? We are composed of a reserved half and a transferred half. Again, the transferred half consists of three Ministers who are drawn not from one party but—I must admit this to my shame—from different parties. Such appointments are feasible when there are only two parties in the Council, the party in power and the opposition. If the Ministry is drawn from one party, we can then appoint seven of that party to assist the Ministers. But if we appoint Secretaries under the present constitution, it will be reducing the Council to a farce. However, if the House wishes that the Governor should appoint these Secretaries,

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then the wishes of the House will be placed before His Excellency the Governor. If the other side of this House expresses itself strongly in favour of that, I am sure His Excellency will be pleased to accede to their wishes.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I oppose the address moved by the honourable member Mr. Pradhan. Situated as we are, this address will be more a curse than a blessing. We are working now a dyarchical system of government; we have not got complete autonomy. If the Bombay Presidency had complete provincial autonomy it would have been a different question altogether. Just now, we are working under very adverse circumstances. The House consists of 20 members whom we must style as the official *bloc* (4 Executive Council Members and 16 officials), that is to say 20 persons always voting according to the Government whip whatever may be the merits of the question. Now, to these 20 we have to add 3 Ministers, and we get 23. And if we add 7 Council Secretaries to that rank the number will be 30. Now, when Ministers are appointed, they are required to have at least 9 or 10 persons to support them in season and out of season. If we add Council Secretaries to this number of persons who support Government for roping up Ministers, the House will be reduced to the position of a mere mutilated body to register the decrees of Executive Government, and whatever popular element exists in this House will be altogether wiped out of existence. However admirable and laudable may be the motives of the honourable mover, I cannot subscribe to the views he holds. Certainly, when we get provincial autonomy and complete independence; when the nominated bloc disappears; when the House consists only of elected members; when the whole House becomes practically speaking a popularly elected House; then such a proposition may be brought forward. But we cannot do so before we get complete provincial autonomy, and as long as we are working under the dyarchical system of government, in which the executive is altogether irresponsible to this House this proposition would further mutilate the House. The mutilated condition in which this House has been placed during this session is evidence of what would further happen if the Secretaries are appointed. I therefore strongly oppose the presentation of the address which the honourable member Mr. Pradhan has proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I was very anxious, when the honourable member moved his motion, to know from him exactly what were the duties that he intended these secretaries to perform. If he intended the seven secretaries to be added to act as gramophones, he should have said it and I think the House would have then materials before them to go to His Excellency with a request to appoint seven more gramophones. I do not want to describe the state of affairs that will arise, because my honourable friend from Ahmedabad rural has given expression to language which cannot be imitated. Therefore, I would have been very glad to hear from the honourable member who moved the motion to know whether any other Legislative Council or any

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other Governor of any province has appointed any council secretaries, either to the Executive Council Members or Ministers. (An Honourable Member : Madras.) So far as I am aware, I know in Madras only one secretary was appointed. The Raja of Panagal, when he was leader of the Non-Brahmin Party and a Minister, had appointed one council secretary and no more. Under what circumstances he appointed, I do not know. It may be that he wanted to do less work and wanted the secretary to work more. We have got here seven members on the side of Government,—Executive Councillors and Ministers,—who are ready to work unto death, to work their hardest, and, therefore, I do not think, Sir, that we want to add seven more secretaries to the ten we have already got, that is to say, raise the number to seventeen, in addition to the Government seven members we have already got. I think the honourable mover wanted to justify in very high language and to impress the other side by the message from the King Emperor, and beyond the fact that when the Royal Commission comes we ought to show a good record in having acted up to the regulations, which may even be detrimental to us, I do not think the honourable member made out any case for seven more gramophones, and I feel it my duty to oppose this proposal.

Mr. N. A. BECHAR (Karachi City) : Sir, the honourable mover the member from Nasik deserves the gratitude of this House for the labour which he is taking for the constitutional advance of this country. Sir, unfortunately, his enthusiasm is based upon some instinct or sincerity that we are really advancing, that the Government of England is really anxious and willing even by instalments to transfer the power from them to the people. Sir, you will excuse me my pessimism about this matter. I personally do not share the optimism of my honourable friend in his belief that he enunciated in the Montagu-Chelmsford Reforms that we are even to that extent being given credit for ordinary responsible government in the so-called reforms. Sir, my own feeling is that unless and until you have behind your demands some sanction in the country, no Government is likely to yield the power which they have not yielded all these years. One or two instances which have encouraged so many Indians in their belief that England is sincere to transfer her power because they have done so in the case of Australia, because they have done so in the case of New Zealand, because they have done so in the case of South Africa, are not likely to hold good in our case. India is much bigger than England, and if India is going to be given even in terms of instalments the kind of freedom for which we are all yearning, then I think India will rule England instead of England ruling India. Sir, that being my own feeling, I personally would like to disabuse my honourable friend and others of his faith in the British Government giving or making this country autonomous or independent at all. He is basing all his remarks upon those reports on reforms, and even when the question of the appointment of secretaries was touched in the Montagu-Chelmsford Scheme, men like Mr. Sastri and others had their grave doubts as to the utility of those secretaries and the very fears or the very sentiments expressed by the Honourable Minister for Local Self-Government were

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what they themselves expressed. They knew that we were throwing in the arms of Government so many more members who are likely to take their point of view, if and when they are coming under the surroundings of those members on the front bench. Sir, that is a fact which has been evidenced by the proceedings that have gone on in this House, although my experience is very limited in its working. But, Sir, as has been rightly pointed out by my honourable friend from Ahmedabad rural, already what little position this House possesses is weaning from day to day. Sir, the small sense of responsibility, even in the matter of transferred departments which could have been inculcated by a Government really earnest and sincere to transfer responsibility to the people has not been realised. As I have already said, the spirit of reforms has not entered into the mind and the heart of Government. They have followed a policy of divide and rule, and instead of making even the transferred departments a unitary system, they have gone on with Ministers on individual basis, and have from the very beginning not given to the spirit of reforms a spirit of responsibility. Therefore, my own feeling is that devoid of responsibility as we are, divided in this House as we are, I am not at all certain whether this House at all gain by the addition of these seven secretaries to the already large number of secretaries, deputy secretaries, under secretaries, assistant secretaries, and God knows how many secretaries, with which this side of the House is already dissatisfied. Therefore, I do not think, Sir, that my honourable friend from Nasik is really using his talents and energy in advancing the cause of freedom of this country. If we are all earnest about freedom and Swaraj, and, Sir, let me tell you, from what is going on in this House, I have my great fears if anybody is really anxious for Swaraj and the manner in which proceedings have gone on leads me to the firm belief that we are more anxious to lick the boots of Government, rather than..... (Honourable Members indicated dissent.)

The Honourable the PRESIDENT: I do not think that is a right expression and think that the House has rightly interpreted it. The honourable member should withdraw it.

Mr. N. A. BECHAR: I am prepared to withdraw that expression, Sir, if it is an undesirable expression. It may be a rather blunt language and might have been put into better language. But that is more or less the condition in this House, Sir, and that is my personal view which you will permit me to express.

Rao Bahadur R. R. KALE: Has the honourable member withdrawn the expression? I think he merely said he was prepared to withdraw.

The Honourable the PRESIDENT: I think the honourable member has withdrawn that?

Mr. N. A. BECHAR: I have. Sir, if the amount of sensitiveness and zeal which the honourable member from Satara has shown in this matter had been shown by him about the freedom and powers of this House, I think he would have made a greater advance even within the

[Mr. N. A. Bechar]

limited power that we may possess. But, Sir, all that enthusiasm and zeal are used more on the Government than on the non-official side.

Now, Sir, having given my frank opinion on this matter, I hope my honourable friend from Nasik (Mr. Pradhan) will not misunderstand us in believing that we are against this proposal on this very principle, or merely because there is some other influence working on us. So far at least as I am concerned, I claim to be a free lance. I have not the slightest fetters on either side, and I say that the reason why I am against this proposal is that we are really trying to throw ourselves in the lap of Government to a larger extent than we have already thrown ourselves, and because of the fact that we have to go to the Governor. . . . .

The Honourable the PRESIDENT : The honourable member's time is up.

Mr. N. A. BECHAR : Also, it does not appeal to men like myself who have not certainly got that fervour about Swaraj with which we were fighting during the non-co-operation movement. With these words, I am sorry I cannot agree to the motion which has been brought forward by my honourable friend.

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, I am very much in sympathy with the motion which has been moved by my honourable friend on my left (Mr. Pradhan), but I am not prepared to vote for it. Sir, nothing could be a greater confession of the failure of dyarchy than the attitude of this House to-day upon these two motions. If, Sir, it is agreed by the Minister that the appointment of these Secretaries will be very little help to Government, that means to say that the Ministers are nothing but the creatures of Government. I do hope. . . . .

The Honourable Sir GHULAM HUSSAIN : They are Government, not creatures of Government.

MOULVI RAFIUDDIN AHMAD : They are Government ; and yet they do not like to have several more supporters of Government. But they maintain that the appointments would be injurious to the interests of the people. I do not see the consistency of this reasoning. I am myself not prepared to support such a motion ; but on different grounds. In Parliament the under-secretaries perform a very great function, and without under-secretaries parliamentary government in England could not possibly be conducted. The under-secretaries to Government are practically the apprentices and candidates for Cabinet office. They learn the work, they discharge their duties and they relieve the Ministers. I do believe that the authors of the Montagu-Chelmsford Report earnestly and sincerely hoped that this provision would be utilised by the several provincial Governments in India. It is an excellent provision ; there can be no doubt about it, but, as has been stated, this House is so hopelessly divided with regard to parties, that it is not in a position to utilise this provision for the present. Sir, with regard to the Government of India Act I ask what could we not have

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done under it? We have two Indian Members on the reserved side of Government, purposely added to put before that side of Government the popular view. Then we have three Indian Ministers responsible to this side of the House. Five, as against two European Members and His Excellency the Governor. They can do a good deal for Indianisation, and that was, I believe, the intention of the British Government. It is therefore astonishing that our Ministers themselves and our Members of the Executive Council say that it is no use appointing secretaries....

The Honourable Sir GHULAM HUSSAIN: I say we are ready, if the House agrees.

MOULVI RAFIUDDIN AHMAD: There are difficulties but I am pointing out the original intention of the British Government and the purpose of the Act. It is not the fault of the British Government, if we do not carry out the Act. There are no doubt difficulties, but we have also our responsibilities. Sir, difficulties exist only to be met and solved and not to be shelved. There are parties here who in season and out of season talk of Swaraj and unity. But they are not ready to carry out the Act and its provisions, which are for our benefit. It is a hopeless state of affairs; I shall be the last person to say that the British Government is responsible for it. It is Indian opinion, it is the conditions in India that cause these difficulties. It has been pointed out by my honourable friend who has moved this motion that if we do not avail ourselves of the facilities which are already given to us, with what face could we say to the Commission that we are ready for full Swaraj? If there be any obstacles in the way, why do not honourable members get up and say "We are ready to accept this motion, provided such and such a facility be given to us?" Is it right for them to say "we are so divided that we shall not be able to carry out the intentions of the Act and whatever facilities are given to us?" I think it is a hopeless state of affairs. I do say it is entirely our own fault. When the debate is read by the Government of India, and, the Secretary of State, what will they think of the attitude of the people of India? Sir, the senior Minister has pointed out the real position. I do not blame him. He has given us the benefit of his experience, and I think he is the only Member who has sincerely carried out the intentions of the Act. He has had a long tenure of office and he has gained the confidence of this House. If he would suggest some means to enable us to accept motions of this kind, and fulfil the intentions of the Act.....

Rao Saheb D. R. PATIL: Then you would change your opinion?

MOULVI RAFIUDDIN AHMAD: Certainly, the House will then change its opinion. The House has not adopted an unalterable attitude in the matter. I also hope the Honourable the Leader of the House will also give us the benefit of his experience. He has been a Minister responsible to this side of the House, and he has been a Member of the reserved side of Government, and even before that, he has been a person of great public experience. I do hope that he will not give a stereotyped reply, but point out to us if there is anything which we could do in



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order to be able to carry out this resolution. With the best of intentions the honourable mover has brought the motion before us ; I admire his energy, I admire his industry, I admire his parliamentary style and tactics and he has very ably put his case before us. But I am afraid he has not convinced the House and therefore it will not accept the motion.

Mr. R. G. PRADHAN (Nasik District) : The Honourable Minister for Local Self-Government has tried to give a distorted colouring to this question by saying that seven council secretaries will have to be appointed. That is absolutely wrong. It has pained me to see that the Honourable Minister has made such a statement. The Act does not require that seven council secretaries should be appointed at all. Two would be quite enough. The Madras Government, when they appointed council secretaries, appointed three. So absolutely no importance need be given to the exaggerated statement which the Honourable Minister has made. It will be quite enough if two are appointed. It will quite serve the purpose of the Act if two or three are appointed. It is not at all necessary that every member of the Executive Council and every Minister should be provided with a council secretary. Then, Sir, he made the statement that the appointment of council secretaries will be against the interests of the people and of the opposition. I venture to contradict the first part of this statement. It is not at all against the interests of the people. As regards the statement that it will be against the interests of the opposition, well, this solicitude for the interests of the opposition is very amusing. Coming as it does from a member of the Government which has practically destroyed all opposition in this Council, the statement is extremely suspicious. What will be the position ? My honourable friend the member for interruptions said that there would be seven more gramophones ; well, in this House, without there being Council secretaries, there are many more gramophones. The Government and Ministers are getting all the support that they want, much more support than they want, even though there are no council secretaries. Even members of the Swaraj party, of the responsive co-operation party—my erstwhile followers—the new pompously named party—I forget the name, it has some such name as the Coalition Nationalist Party—all of them are going to the Government lobby on important and vital questions even though there are no council secretaries and members of standing committees. Well, I ask, Sir, how is the situation in this Council going to be worse by the appointment of council secretaries ? My honourable friend the member for interruptions whispers : “Are you going to add yourself to the number ?” Well I understand the spirit of that remark. It is a personal insinuation and my reply to that insinuation is that I declare on the floor of this House that even though I am offered the Council Secretaryship I shall refuse it. My honourable friend, the member for interruptions is absolutely free from and innocent of ambition (Laughter). He does not want to be a member of the Executive Council. He does not want to be a Minister. He is so saintly and good-natured and so ethereal that he is absolutely free from all worldly ambitions.

The Honourable the PRESIDENT : This is very pleasing and amusing, but it is all personal.

Mr. R. G. PRADHAN : The honourable member made a personal insinuation and I thought it my duty to reply to it. Had he not made that suggestion I would certainly not have made this remark.

It is easy to talk in this light hearted manner. My honourable friend Mr. Swaminarayan said "we are going to have full responsible Government. Let this vicious system of dyarchy be abolished and then council secretaries can be appointed." It is easy to talk about full responsible Government and so on. I myself had hoped that the day was not far distant when not only full provincial Government but full national Government would be established in this country. But unfortunately the sad developments that have taken place during the last few years are bound to defer the realisation of such a hope, at present the state of affairs is distressing, disappointing—and what shall I say—demoralising. What is the use of talking of having full responsible government and Swaraj and all that sort of thing? The Royal Commission may come early next year or may not come early, but depend upon it, the political situation in this country has undergone such sad changes that I should not be surprised if the recommendations made by that Royal Commission are of a retrogressive character. Depend upon it, it is writ large upon our foreheads that we shall have to do the best under the circumstances.....

Mr. B. G. PAHALAJANI : I rise to a point of order, Sir. Is all this relevant ?

The Honourable the PRESIDENT : What is not relevant ?

Mr. B. G. PAHALAJANI : The Royal Commission and all that.

The Honourable the PRESIDENT : It does bear on the question.

Mr. R. G. PRADHAN : My submission is this that we shall have to make the best of the opportunities that we have got under the Government of India Act. It may be amended, it may be improved when the Royal Commission comes, but I do not think that its essential features will be altered. My friend the Minister for Local Self-Government said that this provision of the appointment of council secretaries was not intended for the existing constitution.....

The Honourable Sir GHULAM HUSSAIN : In my opinion it was so.

Mr. R. G. PRADHAN : He says that that was his own opinion. His opinion may be anything but as a member of Government he is bound to loyally carry out the provisions of the Act. Whatever his personal opinion may be in a matter like this, he must cast aside his personal opinion and he must be true to the constitution under which he is a Minister to His Excellency the Governor. The question was gone into by the Reforms Enquiry Committee and they decided that this provision about the appointment of council secretaries should be given effect to. In view of that it is not open to any member of Government to say that this was not intended for the existing constitution.

[Mr. R. G. Pradhan]

I have said enough on this motion and I do not propose to take the time of the House. I do not at all expect that this motion will be carried. I know full well that it will meet the same fate as the previous motion, but I feel that I have done my duty in clearing the situation, in clarifying the atmosphere and I feel bold to think that this discussion which we have had just now will serve at least one purpose, namely, that knowing our present constitutional position, our present political condition, we should consider seriously and earnestly whether we should not find out and follow a new, a truer and a better path. With these words I commend my motion to this honourable House.

The Honourable Sir CHUNILAL MEHTA : Sir, I am not sure whether the honourable mover prefers the silence of the House on his previous motion or the adverse opinions that have been given expression to.....

Mr. R. G. PRADHAN : I prefer the adverse opinions.

The Honourable Sir CHUNILAL MEHTA : The honourable member prefers the adverse opinions. One might expect that from a member of his courage and knowledge. I am not sure whether that courage is not leading him into a position where he has to assume the role of a prophet. He is forced to bring into requisition what in his opinion may be expected to be the conclusions of the Royal Commission, that most of their conclusions apparently will be extremely unfavourable to the aspirations which the honourable member always possessed if forsooth this simple motion is not accepted. There is a saying about a prophet who hath no honour in his own country and I am anxious to avoid its application in the present instance for I admire the honourable mover and I have a great deal of sympathy for the solitude in which he unfortunately finds himself, for he complains of the desertion of his erstwhile small band of followers.

Mr. J. C. SWAMINARAYAN : Is the Honourable the Leader of the House right in referring to us as the honourable mover's followers ?

The Honourable Sir CHUNILAL MEHTA : I do not know whether the honourable member was not one of his followers. I am very glad to hear he was not. If the honourable mover attacks, no doubt with good reason but some bitterness, other parties in the House for some action that they may have chosen to take after due deliberation, I think he has himself to blame if he invites some criticism on his attitude or on his motion from those members of the House. If events do not turn out as satisfactorily as one would have them I submit there is no reason to allow valour to outrun discretion. I was myself not prepared to follow the honourable member in his vision into the future as to what may or may not be the recommendations of the Royal Commission, but anticipating the honourable member's sensitiveness for such a kind of result as he has forecasted, I ventured to advise him on the last occasion that he might not press his motion. I am sure it is not necessary for me to make any such suggestion now.

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I would like to refer to some of the constitutional issues that have been raised in this motion. I would also like to refer to the history of what has been done in the other provinces ever since this Act came into force. I notice that the honourable member omitted altogether any reference to what has been done in other provinces, largely because he, as a student of constitutions must know that several of the other provinces (I think there are four) tried the experiment and abandoned it in spite of the coming of the Royal Commission. He also took to task my honourable friend, the Senior Minister. I think the Honourable the Minister for Local Self-Government was perfectly frank and sincere in the expression of his views as well as his experience in the last so many years. I can claim to speak with some knowledge because I was with him then. Will it surprise the honourable member and his friends opposite if I tell him that in the first place.....

An Honourable MEMBER : He has no friends.

The Honourable Sir CHUNILAL MEHTA : He has friends, if not followers. Will it surprise him if I tell him that within the first four or six months of the constitution of the Reforms, we, as Ministers, had several suggestions for taking up members as council secretaries? We decided after consideration to wait for a little time to see the working of the Council and also to see what other Councils were doing. After those six months there was no member of the House who was either anxious to put himself forward as a council secretary nor was there a suggestion that council secretaries should be appointed to act with either the Ministers or the Members. Sir, the change of policy, of the opposition party against which the honourable member has spoken so vehemently had not then taken place and yet since June 1921 up till almost the present day, we have had no suggestion that any council secretaries should be appointed. Was it then open to the Minister to have moved in this matter as recommended by my honourable friend? Is it then justifiable on the part of the honourable member in the rush of his eloquence to cast aside almost all the constitutional practices and to appeal to His Excellency the Governor alone, because in this opinion he is misguided or not properly advised by the executive councillors or ministers or by the House? (Mr. R. G. Pradhan : It is constitutional.) My honourable friend says that it is constitutional; and I admit that within the letter of the law it is constitutional. But we think that before invoking the assistance of the instructions to the Governor the honourable member would at least have given some importance to the weight of opinion that has been expressed by those who have been working the machine and those members who sit opposite who have helped in the working of that machine. Sir, the honourable member complained that he was not given an opportunity to know what the views of Government or of the attitude of the honourable members opposite were with regard to his motion. Possibly it was because he did not care, would not care, to find out what they were. As a matter of fact, last evening, when the honourable member asked my opinion about his motion I had to frankly inform him that I was waiting for the expression of views on the part of the non-official members. I

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gave him sufficient warning as to what our attitude would be. It was open to him to get at least a few supporters to his point of view. It is not the fault.... (Mr. R. G. Pradhan : Does the Honourable the Leader of the House suggest that I should canvass support outside the Council ?) No, Sir, I did not suggest any canvassing ; but I do suggest—and I am not ashamed of the fact that I do talk matters over with honourable members with reference to Council affairs—that he might have consulted in the same way his honourable colleagues. I do not think it would be unconstitutional, at the most it is courteous. It is not altogether safe to discard that method, however much one may rely on the strength of his eloquence. (Mr. R. G. Pradhan : On the merits of my case). As to the merits of the case, the decision of the House has already been given. (Mr. R. G. Pradhan : Not conclusive.)

I will venture to quote certain facts and opinions from official documents which I am sure the honourable member cannot controvert. Let us take the Reforms Enquiry Committee to which the honourable member referred in his opening speech. For want of time no doubt, the honourable member quoted only the summary of recommendations. But let us look into the body of the report. This is what paragraph 105 has to say on this question. The Committee devoted a good deal of time and thought to this question as the honourable member has already informed the House. Without taking much of the time of the House I will read only extracts though the whole paragraph would give a better idea :

“ The Central Provinces Government for example state that council secretaries were appointed but they did not make their influence felt or win a recognised position. In the opinion of that Government the experiment must be classed as a failure. In Bihar and Orissa also where the suggestion has been made that council secretaries should be appointed to take the place of the ordinary departmental secretaries for work in the Council with the motive of eliminating the suspicion of official influence over ministers, the Bihar and Orissa Ministers observe that they cannot do without their departmental secretaries who are in constant touch with the departments, and are therefore in the opinion of these ministers in a better position to give them the assistance they need than any council secretaries. We consider therefore that the provision enabling such appointments to be made should be retained for use in those provinces where such appointments are desired. On the transferred side we think that the Act should be so amended as to provide that the minister should make recommendations for the appointment of council secretaries.”

The honourable member will notice that it is for the minister to make the recommendation for the transferred part of Government. (Interruption). That is the deliberate conclusion to which the committee has arrived and they did not invoke the assistance of instructions to Governor. They proceed :

“ The council secretaries on the transferred side should hold office during the minister's pleasure.”

(An Honourable Member : Minister's pleasure ?) Is my honourable friend prepared to advocate this part ? (Mr. R. G. Pradhan : Yes). He is bolder than most of the members of this House ; he is bolder than even the members of that committee, for they go on to say :

“ It may be constitutionally inexpedient to provide definitely for the latter provision in the statute. We consider, however, that on the transferred side of the administration, the council secretaries should hold and vacate office with the minister. This is one form of patronage.”

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What has been the experience in the various provincial governments ? In Madras no one can say that this experiment has not been given a fairly long trial. It is true that the council secretaries were attached only to the transferred side and they were in existence from 1921 to 1926. They have now been abandoned. In the United Provinces they lasted for two years from 1921-23. The same was the case in the Central Provinces. In Burma the child grew to the age of only six months though it saw the light of day so late as 1925 and has now ceased to exist. This, Sir, has been the experience of the various Councils. Does the honourable member wish to suggest that if the Honourable Ministers did not find themselves bold enough to try this experiment, after this repeated experience in the other provinces, they are much to blame ? I am not going to say that they should not do so, because the statutory commission is within sight. The honourable member is apparently annoyed at my reference to that commission. To go back to the time before experience was gained I might refer to the opinion which was expressed by the Government of India in its despatch on constitutional reforms in 1919 on this subject :

“ This suggestion (namely, that council secretaries should be appointed) has been favourably received by most of the Governments which have noticed it.....The Government of Bengal take emphatic objection to the proposal. They think that the introduction of under-secretaries appointed from the Council, would complicate an already difficult situation and that the responsibilities to his constituents of an under-secretary who is an elected member may be a cause of embarrassment.

We do not intend that these under-secretaries should share in the administration or be regarded as extra ministers. ”

The Muddiman Committee also, Sir, have something to say on the question of the salaries to be given to the Council Secretaries :

“ When Council Secretaries are appointed, we consider that they should receive a reasonable salary, and accordingly, on the analogy of the arrangement we have suggested as regards the Ministers' salaries, we should provide that their salaries should be determined by an Act of the local legislature. ”

I believe this report was made somewhere in 1924. There was therefore time for any honourable member who was anxious to press for the appointment of Council Secretaries and who thought that he was supported in his view by the Muddiman Committee's report, to have taken steps for the purpose.

Sir, I am now speaking purely from memory, but the honourable member will correct me if I am wrong, and my recollection is that the honourable member belonged to one of those associations who voice a large body of public opinion in this presidency and who were against the constitution of a cabinet of the size of seven members in the major provinces. I shall stand corrected if the honourable member contradicts me.

Mr. R. G. PRADHAN : They were never against the appointment of three Ministers.

The Honourable Sir CHUNILAL MEHTA : I said against a whole strength of seven.

Mr. R. G. PRADHAN : They were against having four Executive Councillors and three Ministers. That was the recommendation made in the Montagu-Chelmsford report itself.

The Honourable Sir CHUNILAL MEHTA : All I am saying is that the Bombay Presidency Association, of which the honourable member, I believe, was a distinguished office-bearer.....

Mr. R. G. PRADHAN : No.

The Honourable Sir CHUNILAL MEHTA : At least a member—all I am saying is that the Bombay Presidency Association was one of those public bodies who carry some weight and who in 1920 memorialised Government against the excessive strength of the proposed Cabinet. I am not prepared to say whether they said two Ministers or three Ministers, but they certainly said that the Cabinet should not be as much as seven. On the last motion I said that I did not pay much importance to the question of cost that would be involved in the proposal; on this occasion, Sir, I certainly do. The honourable member has given no indication of the salary which he would like to propose.....

Mr. R. G. PRADHAN : It is not my personal question.

The Honourable Sir CHUNILAL MEHTA : I have never for a moment suggested that this was a personal question; on the contrary I wish to give clear expression to my belief in the honourable member's utter sincerity and the purity of his motives. But as he alluded to the cost on the occasion of the last motion, Sir, I certainly think that when moving this resolution, he might have given some idea to the House as to what in his opinion ought to be the salary to be attached to the Council Secretaries. He did not in his opening speech say even what number of Council Secretaries should be appointed, whether seven or less. I cannot see at all why, if they are to be attached to the Ministers, the poor Members of Council should be deprived of the benefit of Council Secretaries.

(Mr. R. G. PRADHAN made some remarks which were inaudible).

The Honourable Sir CHUNILAL MEHTA : All the more reason, in my opinion, that Council Secretaries should be attached to Members of Council. But the honourable member discarded.....

Mr. R. G. PRADHAN : One Secretary may be attached to a Minister and a Member of Council.

The Honourable Sir CHUNILAL MEHTA : I should have been in a much better position to deal with this question if the honourable member had explained in his speech exactly what he wanted. He did not do so, and now he suggests all sorts of permutations and combinations of Secretaries with Ministers and Members. Now, I believe that the strength of the Cabinet is such that they at any rate do not require assistance for carrying on their work. And I think in the present state of our finances it would not be wise to spend a large sum of money on Council Secretaries, especially when it is difficult to define what their duties

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are to be, what exactly their relations ought to be on the one hand with the Ministers or the Members and on the other hand with the rest of the administration, including the Secretaries. It is not so easy a matter, as the honourable member seems to imagine, under a system of dyarchy. When there is full responsible government, certainly Council Secretaries will be appointed by the party in power in order not only to train members who may, as the honourable member said, be candidates for office but also to strengthen their own party. I think there is a good deal to be said for Council Secretaries and I am not opposed to them but I am afraid I cannot accept the motion if there is no strong support in its favour. Every non-official member who has spoken on this motion has been adverse to the suggestion. I have not the least desire to influence the honourable member's decision; I have no doubt that he will prefer to remain in solitary grandeur. But let him not say that any decision to which the Government may come or any view that the Council may take on both the motions which have been placed before them ought in the slightest degree to prejudice the case before the Royal Commission.

Question put and lost.

## DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST

Question again proposed :

" This Council recommends to Government that a committee consisting of the following gentlemen be appointed to examine in all its aspects the primary and secondary education now prevailing in the Presidency with a view—

- (a) (i) to co-ordinate and reorganise the same on modern lines ;
- (ii) to reduce the number of years taken up by the courses of primary and secondary education ;
- (iii) to consider these courses with the object of removing the duplication of studies in vernacular and English ;
- (iv) to introduce manual and vocational courses ; and
- (v) to consider the steps for introducing compulsory medical inspection and physical training in primary and secondary schools ;
- (b) to consider the question of the cost of the revised schemes with special reference to the funds available at present, and to explore the ways and means to raise further funds
- (c) to report on such other matters germane to the above questions as may be considered necessary :—

1. Dewan Bahadur Harilal D. Desai, Minister of Education.
2. The Director of Public Instruction.
3. The Rev. Father J. Duhr, S.J., D.D., Ph.D., Principal, St. Xavier's College, Bombay.
4. Dr. B. R. Ambedkar, M.L.C., Bar-at-Law.
5. K. B. Marzban, Esquire, B.A., Principal, the New High School, Bombay.
6. K. M. Munshi, Esquire, B.A., LL.B., M.L.C., Advocate.
7. J. C. Swaminarayan Esquire, M.A., M.L.C.
8. V. H. Anklesaria, Esquire, Principal, the Elphinstone High School, Bombay.
9. M. R. Paranjpye, Esquire, Secretary, Shikshana Prasarak Mandali, Poona.
10. Dr. K. G. Naik, M.A., D.Sc., F.I.C., Professor of Chemistry, Baroda College.
11. P. R. Chikodi, Esquire, M.L.C.
12. Noor Muhammad Muhammad Sujawal, Esquire, M.L.C.
13. F. J. Ginwalla, Esquire, M.L.C.
14. Rao Bahadur R. R. Kale, M.L.C.
15. Natvarlal G. Majmudar, Esquire, M.L.C.
16. Moulvi Rafiuddin Ahmad, M.L.C., Bar-at-Law.



17. Principal S. C. Shahani, M.A., D. J. Sind College, Karachi.

18. A. M. Kajiji, Esquire, B.A., LL.B., Bar-at-Law.

19. S. C. Joshi, Esquire, M.A., LL.B., M.L.C.

The Honourable the PRESIDENT : I must remind the House that this resolution was moved during the last session and there were a number of similar resolutions repeated again by honourable members. The Secretary had to inform them that because of this resolution which was moved and was pending for further consideration, those resolutions need not be tabled. The House now understands that the absence of the honourable member Mr. Nariman, who moved the resolution during the last session, does not matter in the consideration of this particular resolution which is to be disposed of.

Rao Bahadur R. R. KALE (Satara District) : I understand, Sir, some committees have been already announced by the Education Department as having been appointed. There was some discussion last time and at that time the Honourable Minister for Education suggested that he was thinking of doing something and that the mover of the resolution may wait. But, as nothing was done, no doubt the resolution was moved. But I submit that, in the altered circumstances of the case, namely, that the committees have been appointed and announced, it may be considered whether it would be worth our while to spend more time on this resolution, especially as the honourable mover is not here to-day and I do not know how we can proceed, whether to drop the resolution by not proceeding with the further discussion or to allow it to drop itself. No doubt, if the mover was here, we would have been in a position to ask him to withdraw, so that our valuable time could have been concentrated on some other important subject. I would, therefore, appeal to the honourable members not to carry on any debate on this resolution, so that the resolution may be negatived.

Mr. B. V. JADHAV (Satara District) : Sir, the amendment I wanted to move was that there should be no names of the committee suggested by the House, and that amendment.....

The Honourable the PRESIDENT : Order, order. I understood the honourable member Rao Bahadur Kale to make a few remarks on the motion itself. But the Secretary understands that the honourable member has placed a question before me whether this resolution should be proceeded with in view of the Government having appointed committees. Is that so ?

Rao Bahadur R. R. KALE : Yes ; that is the question.

The Honourable the PRESIDENT : I do not mind taking the sense of the House first on that, and if the House agrees.....

Rao Saheb D. R. PATIL : I want to propose adjournment of the consideration of this question to the next session.....

The Honourable the PRESIDENT : Why ?

Rao Saheb D. R. PATIL : Because we want to go on to the next resolution.....

Mr. B. V. JADHAV : I want to speak, Sir, on the question. The amendment I had tabled was that Government should be left free to nominate a committee and to carry on the enquiry they intended to do, and I was given to understand that the honourable member Mr. Nariman, the proposer of the resolution, was willing to accept my amendment. The Honourable Minister has now announced the formation of two committees which will go into this question. But I want to bring to the notice of this House that the constitution of the two committees that have been announced by the Honourable Minister is, I think, not satisfactory from my point of view. I am very unwilling, Sir, to give expression to any communal feelings, but I am very sorry to say that the constitution of the committees obliges me to draw the attention of this House to this rather disagreeable subject.

The Honourable Dewan Bahadur HARILAL D. DESAI : I rise to a point of order whether the question which the honourable member is just referring to is in order. He said he wanted to move an amendment to drop all the names from the resolution, and now he says the constitution of the committees announced is not satisfactory.

Mr. B. V. JADHAV : I wanted, Sir, to place full reliance upon the discretion of Government and I shall point out that the committee to consider the question of physical training, for instance, consists of our honourable friend the member for the University, Mr. Hamley, Mr. L. B. Bhopatkar, Dr. Sumant Mehta, Miss Motivala, Khan Bahadur Shah Nawaz Khan Bhutto, Mr. Chhotalal Purani, Mr. J. G. Gune and Mr. K. R. Kanitkar. All these are for the physical side. I have no objection against any particular individual in this list. But I want to point out that physical culture has been carried on by the communities which are called the backward communities, and the Honourable Minister has not thought fit to include any name belonging to these communities on the committee on this subject. It was expected, Sir, that as the communities backward in education were the communities which have preserved the physical education up to this time and had kept up their traditions of sound physique, that some members of those communities would be included in this list. But what I find is that the members of one particular community have been chosen pre-eminently to work on this committee. I was told, Sir, that Mr. Bhopatkar and Mr. Gune have themselves formulated schemes of physical education. I submit that that was the very reason why they were the best persons to give evidence before the committee and to have placed their schemes for the judgment of the committee. Now, they are made the judges, and as every one knows the father is always partial to his own child. So, the schemes formulated by these experts, as they are called, will be much favoured by the committee as constituted, and that, I think, may not be satisfactory. I bring these facts to the notice of the Honourable Minister, to point out to him that these persons Mr. Gune and Mr. Bhopatkar would make the best witnesses, and their evidence before the committee will be of the highest importance. But here they are proposed to be made the judges in their own cause, and I think therein lies some danger. I hope the Honourable Minister will see his way to correct this, as he thinks fit. I do not want to move any

[Mr. B. V. Jadhav]

amendment with that object, but I simply make these remarks for the information and consideration of the Honourable the Minister.

In the formation of the other committee also, I think the same thing will be found, that although it is a very big committee and care has been taken to appoint members from various communities, the addition of one or two names to it will improve it. I think there need be no discussion on this motion and I therefore support the honourable member Rao Bahadur Kale's motion.

The Honourable the PRESIDENT: I should like the point to be distinctly understood. I wonder if the Honourable Minister for Education has understood the honourable member. The honourable member has pointed out, as regards the committee on physical training, that the two members of the committee, Nos. 3 and 8, Messrs. Bhopatkar and Gune, should not be members of the committee. But I do not know whether he has mentioned any names.

Mr. B. V. JADHAV: I have not suggested any names.

The Honourable the PRESIDENT: No names to be added or replaced.

Mr. B. V. JADHAV: I leave that entirely to the Honourable Minister.

The Honourable the PRESIDENT: As regards the second committee of 14 members, the honourable member has suggested that it should be enlarged by some further representation.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, on the last occasion, I mentioned to the House that long before April last, I was considering the question of appointing committees on these subjects, and that I had sent down my own views to the department for suggestions and alterations, if any. In the meantime, notice of a resolution was given by the honourable member Mr. Munshi and several other honourable members also, in order that the resolution might stand high up in the ballot. I then stated that two committees were going to be appointed shortly, and I requested the honourable mover, on that assurance, to withdraw the resolution. At that time, he did not withdraw the resolution, though several honourable members of the House asked him to do so. Thereafter, the committees have been appointed, and experts on the subjects have been selected. Of course the number of members of such committees cannot be very large, and consequently, selections have been very carefully made. The complaint is now made that certain communities are not represented on them. I may respectfully submit that, with reference to the revision and co-ordination of primary and secondary courses and the provision for vocational and industrial training, which is the function of the first committee, and also with reference to physical training, which is the function of the second committee, there could be no difference in the treatment of the subjects for communities. The subjects are common to the whole presidency and to all the communities of the presidency; and in view of that, the best names that occurred after due inquiry have been selected for that purpose. Persons who take an

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interest in the subject could very well appear as witnesses, and therefore there should be no difficulty to any community in placing their views before the committee. However, I have received certain suggestions, one from the honourable member Mr. Jadhav that a member from his community may be appointed on the committee on physical training. I have also received a wire from the Sind Hindus that they do not find a place on the physical training committee. Karnatak also claims representation on the committee. All that I can say at present is that I will consider the matter, and do what is possible in the matter, without unduly enlarging the committee.

Rao Bahadur S. N. ANGADI : Is there any representation given to the Karnatak ?

MOULVI RAFIUDDIN AHMAD (Central Division) : Sir, on the last occasion when the question was for discussion before the House, as has been pointed out by the Honourable Minister, the honourable member for the University did not accept the suggestion to withdraw the resolution.

The Honourable Dewan Bahadur HARILAL D. DESAI : I want to correct my honourable friend's impression. It was the honourable member Mr. Nariman who did not withdraw the resolution in spite of the honourable member for the University pressing him to withdraw.

MOULVI RAFIUDDIN AHMAD : Originally it was the motion of the honourable member Mr. Munshi, at whose instance, Mr. Nariman and many others sent in notices. Now, we are told, Mr. Nariman did not withdraw the resolution although requested by Mr. Munshi to do so. Sir, one can easily understand why the honourable member Mr. Munshi wanted the resolution to be withdrawn. He has obtained the sort of committee that he desired and he has been made its chairman. He has been appointed chairman of the committee on physical training. I do not know that he is either a giant in strength or an expert in gymnastics. I am not aware that he is an expert in physical training. No one knows his qualifications for being made the chairman of a committee on physical training. There was very good reason as I said for him to see that the resolution was withdrawn. And, as has been pointed out by my honourable friend Mr. Jadhav, it is very strange that the Honourable the Minister could not find a suitable expert on physical training among the members of the martial races in this Council. There is no doubt on the committee one Muhammadan member from Sind, and I have no doubt he can take care of himself. But I fail to understand why no Muhammadan members from the Presidency were not appointed : Were there no competent Muhammadans in the presidency to be placed on that committee ?

Then, Sir, the resolution which was given notice of by the honourable member Mr. Nariman is the more extensive in scope. The subjects for which the two committees have been appointed do not cover the whole ground. I do not know why committees from this House were not

[Moulvi Rafiuddin Ahmad]

appointed. Secondly if Government wanted to appoint outside committees, why did they not put in more members of this Council on them ?

You will find, Sir, hardly one or two members of this Council on those committees and this is a great reflection on the intelligence of this House so far as educational questions are concerned. It is a reflection also on the representative character of this House.

In the selection of the committees the Honourable Minister has made a new departure. Formerly when Government appointed such committees, they did so from among the members of this House. At any rate former Ministers took the members of this House into their confidence in the selection of such committees. Sir, I enter my protest against the constitution of the committees which are full of his own party. The Minister was not justified in ignoring the interests of Moslems and the Marathas. We all hope that he would rectify his mistake and put in some representatives of other communities on the committees. In education of all subjects, the backward communities are most interested and I would appeal to the Honourable Leader of the House and other members of Government whether they consider it fair that representatives of the various communities interested should have been left out. Sir, I have always found the Honourable Minister very courteous but he never gave us anything substantial. With these observations, Sir, I am ready to abide by the advice which has been given to us. But I expect these committees to be more representative and the Minister to give more consideration to the demands of the communities that are ignored by him.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I find, Sir, that memberships to such committees are offered as rewards for supporting Government and those who oppose them have been systematically left out. Quality does not at all enter into the calculation and it is a most regrettable thing members who opposed the Government have no place on such committees whatever their qualifications may be.

Mr. S. K. BOLF: I fully associate with what has been said by the previous speakers and I think the chairman of the physical training committee ought to have been a man of strong physique. What inspiration can be drawn from such a chairman I do not know. I think these who possess good physique and have studied this subject ought to be there. Moreover a man like Professor Kanitkar who has spent his life in educational matters ought to have been the chairman of the committee. But instead of that he has been made the secretary. It is quite strange and very absurd. I do agree with my honourable friend Mr. Swaminarayan that this is nothing but a reward for those who supported the University bill. I submit, Sir, that the committee ought to have been more representative. There is much of communalism there though people say that they do not want communalism. Therefore I submit the Honourable Minister should reconsider this question and make the committees representative of all the sections of the House.

Rao Bahadur S. N. ANGADI (Belgaum District): I am very much surprised that the honourable member Mr. Munshi should have been appointed chairman of the physical training committee. I find him a physical wreck. For the important post of chairman of the committee of physical culture one should have expected that a better man than the honourable member Mr. Munshi would have been appointed. Of course I have nothing to say against his intellectual capabilities; he is an able advocate of the Bombay High Court; he is certainly a man of high calibre. So far as these qualifications are concerned I have nothing to say.....

The Honourable the PRESIDENT: I think the House is becoming personal about an honourable member who is absent. The general question as to what sort of chairman should be appointed can be discussed without being personal.

Rao Bahadur S. N. ANGADI: My point is this. Some person who knows the subject of physical training and who has studied it should have been selected. But here we find, the reverse is the case and I object to it. I have nothing more to say.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I had no mind to speak on this question but for the very interesting and amusing remarks made by the most ancient member of this Council— I mean the honourable member Mr. Rafiuddin Ahmad. I never knew that the chairman of any committee had anything to do except to guide the deliberations of the committee, whether that committee deals with the question of physical training or intellectual training. It is surprising to me to see responsible members of this Council claiming experience of the working of this Council for the last 25 years suggesting that the chairman of the physical training committee ought to be a giant or a gymnast. I can assure the honourable member who has started this idea that when Mr. Nariman and a host of other members suggested his own name for inclusion on the committee they were impressed not by the fact that he was physically strong but by the fact that his brain would be useful, despite his age, in assisting in the deliberations of the committee. It appears to me, Sir, that if there is anything in the argument advanced, the Honourable Minister will reconsider the whole question, and if it is a question of finding out the strongest man for the chairmanship of the committee, probably my honourable friend Mr. Gunjal would be selected. But I hold that the functions of a chairman of such a committee differ in no respect from the functions of the other members of the committees, except that he has also to guide the deliberations of the committee.

In view of the remarks made by the honourable member Mr. Rafiuddin Ahmad I would seriously suggest to the Honourable the Minister to revise the entire personnel of the committee.

Mr. S. A. SARDESAI (Bijapur District): Sir, I think that the committee to be appointed by this important resolution is also an important committee, and I think that I should not be discharging my duty properly to this honourable House and to my constituency if I did not speak on this most valuable occasion. I think the Honourable the Minister

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committed a blunder in not making the committee representative. I do not think that he should consider communal representation but what I say is that the members of the committee should be from all provinces like the Karnatak, Gujarat and some other parts. I certainly do not agree with the last honourable member who said that one who is to become the chairman of the physical culture committee should not be necessarily well versed in that science. I completely disagree with him, because I am of the opinion that a man who is to be the chairman of physical culture committee should know physical culture himself thoroughly and he should be able to put forward the best possible suggestions for physical training. Suppose, Sir, you wish to appoint a man on a committee and to make him the chairman of that committee, he should be a man who is able to discharge his duties properly and if he is totally ignorant and not conversant with his duties, what will be the result? I think that I should give a note of warning to Government members and also to private members that their duty lies in selecting the best men to sit on a committee who will be able to discharge their duties properly, and this is an occasion on which the Educational Minister committed a great blunder in appointing a chairman who is not competent to discharge his duties. We often commit mistakes in India in appointing big European officials to posts for which they are not fit. This would simply indicate that they are not wanting in self-respect. The Education Minister will resent my remarks, I know but duty is duty and I must bring him to task (Laughter). Duty is duty and I must do my duty by correcting not only opponents but friends also, even at the risk of incurring their displeasure and without any fear or without the fear of being contradicted. I think at this moment we are concerned with the formation of the committee and when the occasion comes for discussing this resolution fully.....

Rao Saheb D. R. PATIL : This is that occasion.

Mr. S. A. SARDESAI : I think if this is the occasion, I should say that this subject of education is such an important subject that there can be no other subject of greater or equal importance than this resolution. The education that is being imparted in India is very meagre and not well-planned. I had in mind to give a good many suggestions on this resolution but for want of time I may be very brief.....

The Honourable the PRESIDENT : I should like to point out that the question is not whether such a committee should be appointed or not. A committee though not exactly in the terms but in the spirit of this resolution has already been appointed. Any discussion in supporting the resolution as to whether such a committee should be appointed or not would therefore be out of order. The question this House has now to consider within its proper scope is : whether the constitution of the committee is satisfactory or not, and I think the honourable member has argued on that point.

Mr. H. B. SHIVDASANI (Surat District) : Sir, I wish to move

that the consideration of the resolution be adjourned *sine die*.

[Mr. H. B. Shivdasani]

This matter has been discussed and I am sorry to say that in the course of this whole year we have not been able to consider fully even one resolution. This is a resolution which has been brought forward from the last session and as a committee has already been appointed, it is more like flogging a dead horse and I therefore say that it should be adjourned so that we could discuss at least one more resolution so that we could say that in one year we were able to discuss two private resolutions.

The Honourable Sir CHUNILAL MEHTA : Sir, I beg to oppose the amendment for the very reasons that the honourable member himself has given. I do not see what object there is in postponing this *sine die*, whatever the meaning of those words "*sine die*" may be. The best plan would be to dispose of the resolution as there has been sufficient discussion on it. If the honourable member who moved the resolution had been here I should have said that he might withdraw it. That course is not available now and the only course now open to us is to dispose of this resolution after defeating the amendment so as to save the time of the House.

Question put and lost.

Mr. H. V. PATASKAR : I move a closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, if you go through the names of the members who have been appointed on these committees, you will find that those who are experts in the subject of primary and secondary education have been appointed on the committee. There is a limit to the number to be placed on a committee and in view of the expense that will be involved it was necessary to limit the number. Again I really do not find myself in agreement with the honourable members who say that several members of this House should alone form the committee and no one else should be on a committee. If that is so, then.....

MOULVI RAFIUDDIN AHMAD : Nobody said so.

The Honourable Dewan Bahadur HARILAL D. DESAI : If that is not so, yet there is a limit which we have to observe in forming any committee. This committee has already been appointed and consists of fourteen members representing various branches of subjects, such as primary education, secondary education and also vocational education and industrial education. Most of the communities are also represented. There are Mahomedan members and there is the member from the Maratha community in the person of the Deputy Director of Agriculture who represents the branch of agriculture as well as the Maratha community, so that selections have been made both with reference to individual proficiency in the subjects and to give representation to the various communities.

With reference to the Physical Training Committee, the Bombay University has been concerning itself and taking very great interest with reference to physical training. Principal Kanitkar has placed before the



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University a scheme of physical training in which all the colleges which are located in Poona are to share and as the University has taken that subject in hand and as the honourable member Mr. Munshi is also taking an amount of interest and has sufficient go in him which would enable him, as chairman, to get through the work within a short time, he was appointed as chairman and particularly in view of the great interest he is taking in the matter.

Of the other members, Mr. Bhopatkar has taken great deal of interest in the gymnasium of the Poona city. So also Miss Motiwalla has studied the subject in Norway and Sweden and she is an expert in the subject. Dr. Sumant Mehta has interested himself in the subject and Mr. Puranic also has taken an abiding interest in physical training. I have already stated that I will consider any deficiency which requires to be made up. Under these circumstances no useful purpose will be served by lengthening the discussion and I trust the honourable House will reject the resolution.

Question put and lost.

Mr. V. N. JOG (Dharwar District) : Sir, the resolution I wish to move is as follows :—

“ This Council disapproves of the resolution issued by Government on the report of the Land Revenue Assessment Committee and recommends to His Excellency the Governor in Council that the Bill for the amendment of the provisions of the Bombay Land Revenue Code, 1879, relating to the principles of revising the assessment of land revenue should be drafted in consultation with non-official members of this Council before it is submitted to the Government of India for sanction. ”

It consists of two parts. By the first part I wish that this Council should record its disapproval of the principles of assessment which have been enunciated in Government Resolution No. 1790/24, dated 13th May 1927. By the second part of the resolution I wish that the bill on this subject which is to be introduced should be drafted in consultation with some non-official members of this House instead of being drafted by the Legal Remembrancer alone. In this connection I submit that the principles which have been enunciated in that resolution with regard to the assessment would be rather oppressive and harsh on the overburdened agriculturists of this presidency. The main principles which have been enunciated in the resolution are (1) that the basis of assessment should be the rental value ; (2) with regard to the pitch of assessment it is stated that it should not exceed 50 per cent. of the rental value ; (3) with regard to the period of settlement the previous law is kept intact ; (4) with regard to the rate of revised assessment, no doubt, Government have agreed with the opinion of the committee and have stated that it should not exceed 25 per cent.

There were several other recommendations of the Land Revenue Assessment Committee with regard to the check on the settlement officers, first was in respect of a standing committee. When the settlements were made there was another check laid down by the committee, namely, that if the report on settlement recommended by the settlement officer was not in consonance with the principles laid down by the

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Advisory Committee that report should not be accepted and that the enhanced assessment should not be given effect to until the Legislative Council has given sanction to it. These two salutary checks upon the arbitrary procedures of the settlement commissioners have not been accepted by Government. In this respect I should like to go into the history why this resolution of Government has come into being.

It has been a standing grievance of this presidency as well as of the others that the land tax is very burdensome—it is excessive. On account of the excessiveness of these taxes the agricultural industry, the premier industry of India, has been suppressed. It has not been progressive on account of the poverty of the agriculturists who are squeezed out to the extent to which they ought not to have been. In this respect it has been stated several times that though the law has laid down certain principles, by the rules arbitrary powers are given to the executive. There are no proper checks and by some arbitrary procedure the rates are increased and several settlements are being effected. There are not also other checks and no clear principles are laid down in the method of arriving at this assessment. But when reforms were being introduced there was a large body of evidence that the law of land assessment should be brought under proper control. Being impressed with this argument the Joint Parliamentary Committee recommended that legislation should be introduced very speedily by which some control should be exercised with regard to several matters concerning land assessment. They laid down certain principles among others which were about 5 or 6. The first is with regard to the basis of assessment; the second is with regard to the method of valuation; the third is the pitch of assessment; the fourth is the period of settlement; and fifth is the revised rate of assessment; and the sixth is, in general terms, the checks on this system which concerns the general welfare of the persons who pay these rates. The matter on which legislation was required, though legislation in this respect is no doubt a difficult one was laid in the year 1919 by the Joint Parliamentary Committee. These recommendations were not acceded to till the year 1924. In the year 1924 my honourable friend Mr. R. G. Pradhan moved a resolution that there should be a committee appointed to go into this question, and to investigate the various points concerning the land revenue assessment and that only after passing a legislation embodying all safeguards revision of land assessment should be proceeded with. He further stated that if any rates were introduced before that, they should not be enforced. This resolution was passed; but it was accepted by Government in a modified form. The Government accepted a certain portion of it and appointed a committee to go into this question. This committee mostly consisted of the members of this House as it was constituted then, and submitted its report, I believe, in the year 1925.

The Honourable Mr. J. L. RIEU: In the year 1926.

Mr. V. N. JOG: All right, it does not matter. And then the resolution of Government, as I have already said, was issued in

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last May. Now, I beg to explain to the House briefly what the exact recommendations of the Committee were, what recommendations have been accepted by Government and what recommendations have been rejected. With regard to the basis of assessment, the committee came to the conclusion—no doubt there are divergences of opinion—but if you read their report closely, you will see that they have come to the conclusion, that the basis of assessment should be the net value; *i.e.*, gross profits less all the expenses incurred in deriving those profits: it should be based not upon the rental value, but upon the net value. No doubt the casting vote has set aside this decision, and the committee as a whole has not accepted it finally, but paragraph 39 of the report clearly shows that what the committee wanted was that the basis should be net profits of cultivation, that is gross profits less all the expenses incurred in deriving those profits. In this connection I might remind the House that even the old law, though its words were not quite definite, was to the same effect. Section 107 of the Land Revenue Code says:

“In revising assessment of land revenue regard shall be had to the value of land in the case of land used for the purposes of agriculture to the profits of agriculture.”

As they have used the words ‘profits of agriculture’ it can very well be inferred that it is the net profits which a landowner or a cultivator derives that they have in view. The old law as it stood was all right. But Government introduced certain rules to regulate the procedure to arrive at these profits, but those rules introduced certain principles which had no close connection with the question of net profits. Ordinarily, net profit would be gross produce *minus* the cost of cultivation, such as the value of labour, manure, seed and such other things which are necessary to get that produce. Instead of considering only these things, the settlement commissioners consider several other things when they deal with the question of revision of assessment, which have only some indirect or remote connection with the matter. They consider, for instance, road communications, market price, the prosperity of the village, and all these subsidiary things. Then again section 100 of the Land Revenue Code gives discretion to these officers to increase the rates, and the rates, as I have already said, Mr. President, began to tell very harshly upon the poor agriculturists. Now, when the committee considered this question, they did not lay down what should the highest pitch of assessment with regard to the rental value, but what they had in mind was that the basis of assessment should be some such things as the net profits or the net yield of the land and that it should not exceed 25 per cent. Now, on this point the Government have come to the conclusion that the main basis on which the assessment should be levied is the rental value. They have stated on page 2 of the Resolution:

“After the fullest deliberation Government accept the view of the official members of the committee, which has since received the weighty support of the Indian Taxation Enquiry Committee’s report, that rental value, where it can be ascertained, must be adopted as the sole basis for fixing the assessment, all other considerations being regarded as merely subordinate factors, useful only as explanatory or confirmatory of, or supplementary to the foregoing factor.”

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Though the non-official view by a majority was in favour of the net produce, Government preferred to discard that view and accept the opinion of the Commissioners and the officers of Government that, rental value must be the basis. In this connection I should like to draw the attention of the House to the fact that the opinion of the non-officials does not stand alone. In certain chapters of the report; the various systems followed in Madras, Burma, etc., are described. In Madras the assessment is based upon the net produce. Burma has adopted a similar system, although the words used are vague; they have said "rental produce." They say:

\* \* "The basis of assessment should be the balance remaining after deducting from the value of the yield the cost of production, that is, the true and full cost of cultivation including an adequate allowance for all labour expended by the cultivator and his family on the land."

As the time is short, I do not want to go into the opinions which have been given by several authors with regard to this question. I will only quote one opinion for the present. It is Bastable, who in his work on *Public Finance* says:

"The fairest and most productive land tax is on the whole that which takes the net return as its standard."

Sir, this is the opinion of several authorities, that in the interests of the State as well as of the landowners from whom the State derives its revenue, the basis of assessment should be the net produce. Government say in their resolution that they are fortified by the opinion of the Taxation Enquiry Committee. I am unable to agree with their reading of the opinion of the Taxation Enquiry Committee, although their report may warrant the meaning that Government want to put upon it. The Taxation Enquiry Committee have said that the basis of assessment should be the annual value, and that opinion is also quoted in the report of the Land Revenue Assessment Committee. So, on the first question I submit, Sir, that the basis of the assessment should be the net value or the net yield, whatever the word we use. It is not a question of using the word, because the Government resolution says that all these words are vague, but what I wish this House to do is to lay down the principle that it must be the net value. The question becomes difficult when we come to the method of assessment, and Government wish to say that this method is very difficult as there are uncertain vague factors in calculating all these items, and they want that handy and very commodious principle of rental value. I submit, Sir, that there might be difficulties, and, as my honourable friend the Moulvi Sahib only to-day in the morning has said, difficulties have to be solved. The duty of the Government is not to run away from the difficulties and oppress the already overburdened land owners or peasant proprietors. They have to find out the methods by which these difficulties should be solved. There must be some procedure, and if proper items which are to be deducted in arriving at this net value are arrived at, then in my opinion the difficulty is not insurmountable. With the help of experienced and able officers like our Settlement Commissioner, I think we shall be able to solve many such difficulties.

[Mr. V. N. Jog]

Even now we have got certain experience and data of value in agricultural farms and Dr. Mann, the retiring—I think he must have retired by this time—Director of Agriculture, has shown that by crop experiments they can arrive at certain values of the various items concerned. There might be some mistakes, certain inaccuracies, but on the whole, what we are concerned with is the benefit of the industry, the prosperity of the industry and also the improvement of the condition of the poor agriculturist. On the whole, my opinion is that the basis of the assessment should be the net value. Then, with regard to the question of these rents the rental value is not as correct as it ought to be, there is a fallacy that the rental value would be the safest and most accurate item which will be the guiding factor. In this connection, the fallacy to which I would refer is that Government is, I think, from their resolution under the impression that the lands which are leased out are more numerous than the lands cultivated by the peasant proprietors themselves. But I submit that more than 50 per cent. of the lands are cultivated by the cultivators themselves. During the course of the discussion on the fragmentation of holdings bill we have seen how these owners who have got a strong feeling of attachment to their land cut up several portions of land and cultivate themselves. We have brought a special legislation to see that these lands should not be cultivated in small holdings. There should be consolidated holdings and so on, which goes to show that in the villages, which are more numerous than towns, the lands are cultivated by the poor peasant proprietors themselves. There might be instances of absent landlords and landowners who may take land and lease out their lands. But these are in my opinion not more numerous than the owners themselves cultivating their lands. Then, there is another consideration. We have not got economic rents. When a cultivator takes up the land of another, he never calculates what his gain would be. His sole idea is that he wants some land to cultivate. It is a question of existence with this peasant proprietor or cultivator, and in competition several times, instead of being without work, he raises the rent and is willing to give whatever rent is asked by the landlord. That will not be the correct rent and on the basis of this rent we are going to infer that a land which is cultivated by the peasant himself or the owner himself would bear that rent. I beg to submit, Sir, that principle is wrong. Therefore, on this question I submit that this Council should lay down this principle that it should be the net produce or the net value, which should be taken as the basis of assessments and they should also lay down what principal items are to be deducted in arriving at this, and all this should be made a matter of provision in the law. Though there might be difficulty, that difficulty has to be grappled with. So, I submit that the suggestion which the Government resolution has made to the Legal Remembrancer to draw a draft in accordance with their basis and with their percentage is quite oppressive and it should not be accepted, we should lay down certain other principles which would be borne in mind by the members whom I want to be co-opted in drafting this bill to aid the Legal Remembrancer in drafting the bill.

[Mr. V. N. Jog]

Then, coming to the pitch of the assessment, the assessment committee has said it should be 25 per cent. that it should not exceed 25 per cent., whereas Government say it should be 50 per cent. 50 per cent. is too oppressive.

It is laid down in the resolution that 50 per cent. should be the highest pitch. I submit it should not exceed in the least 25 per cent. I am not even agreeable to the standard which the committee has laid down of 25 per cent. To my mind it will work harshly. I would not go beyond 20 per cent. The committee has said 25 per cent. At present we may go on that basis and amendment at the time of the legislation may be moved.

Then, coming to the period of settlement, the fourth point, this question is also rather difficult. The dissenting opinion in this report is in favour of permanent settlement. That is the opinion also of some witnesses. Some have said it may be 99 ; some have said it may be 50 ; some have said 40. But the law is left as it is in the resolution and also by the committee. Thirty years is adopted. But I submit that on the whole it would have been better if a permanent settlement had been recommended after the inequalities of the rates have been removed. Where there is already a larger tax which a person pays, it might be reduced ; wherever Government think that the proper tax is not being already levied, that is, under-assessed, a slight increase might be made, and when all these things have taken place, if a permanency of tenure is given, it will be in the interests of the agricultural industry and of prosperity of the agricultural population.

Then, coming to the rate of the revised assessment, I submit that the rate recommended even by the committee is rather high. No doubt, Government have concurred with the opinion of the committee and said that 25 per cent. should be the rate for the taluka. Formerly, by the rules there were several rates, 33 per cent., 66 per cent. and 100 per cent. Now, wherever there is a second revision, the resolution says that it should not exceed 25 per cent. I submit, Sir, that this rate is rather too high ; it should not exceed more than 20 per cent. However, if my opinion is accepted, namely, that there should be a permanent settlement, then this question will not arise at all.

Then, with respect to the other recommendations which have not at all been accepted, the first is with regard to the advisory committee. The report suggests that there should be four non-official members of this House elected by the House on the advisory committee. I submit that that recommendation is very salutary as a sort of guide and check to the settlement officer. The committee has given scope to the Government to have two more men, their own experts, to guide the advisory committee, if they think that the non-officials who have been elected by this House are not quite able to cope with this matter. Therefore, two seats have been left open where Government can have their own experts, to guide the committee in giving their advice. Some such sort of check is necessary in the interest of the agriculturists.

[Mr. V. N. Jog]

Then the last recommendation which the committee has made is with respect to the settlements being brought before the Legislative Council for final sanction. I think that is quite necessary. After all, the subjects are to be taxed, and whenever there are the settlement reports on the strength of which the whole of the presidency is to be taxed, I think it must be with the vote of this Council. Then only would there be certain responsibility introduced in the matter of taxation, and I submit very strongly that this recommendation must be brought into the statute and laid down by a separate section.

(At this stage the bell was rung to indicate that the honourable member's time was up).

Mr. V. N. JOG : I have only a few words to say with regard to the second part of my resolution. The second part of my resolution is with reference to the co-option of members in drafting the bill, in order that there should be an easy passage for the legislation. Such legislation laying down clear principles of assessment we want very badly. The people have been crying that the principles of assessment should be brought under closer regulation. If the Legal Remembrancer alone drafts the bill, embodying the principles enunciated by the Government resolution, it will be very difficult. The people would not accept it, and we, as the representatives of the people, would not accept it. The result will be that there will be no legislation, and settlements will go on as they have been going on so far. I submit, Sir, if the bill is drafted in consultation with the non-official members, introducing the several principles which have been laid down by the committee in this report and indicated by me in my speech then the passage of the bill would be very smooth, and the most desired thing which has been long overdue would be achieved.

With these words, I commend the resolution for the acceptance of the House.

Question proposed.

The Honourable the PRESIDENT : There are several amendments to the resolution, and the first on the list is by the honourable member Mr. Ginwalla.

Rao Bahadur R. R. KALE (Satara District) : Sir, I want to move a motion under Standing Order IV, 4. Having regard to the important nature of this resolution and its far reaching effects, and having regard to the very short time at the disposal of this House, I would suggest that the consideration of this resolution should be carried over to the next session under Standing Order IV, 4. In support of this motion. I wish to make a few observations. There are several amendments which have to be taken into account, and again some of the honourable members on this side have left, and it would be really premature to discuss this resolution in their absence. For these reasons, I do hope that the Council will carry my suggestion.

The Honourable the PRESIDENT : The motion moved is :

"That the consideration of the resolution be postponed till the next session."

Question put and carried.

The Honourable the PRESIDENT: The consideration of the resolution is postponed to the next session.

Dr. M. K. DIXIT (Surat City): Sir, I rise to move the resolution that stands in my name in the agenda. It is :

“ This Council is of opinion that the rules regarding the use of text-books in recognised schools in the Bombay Presidency have been found unsatisfactory and recommends that Government be pleased to modify them on the following lines :—

(1) Headmasters should be allowed full discretion in the selection and use of text-books, library and prize books in their schools, the Educational Department having a veto, which should be exercised on moral and political grounds and should state the objections against any book in detail.

(2) As regards the suitability of a book from the 'educational point of view, the Department should have the power of recommendation only.”

(3) That the headmasters of recognised schools should not be required to make a declaration, in their annual return to the Department, to the effect that they use only sanctioned books.”

Sir, in support of this, I would say that Government control the educational system of our country in several ways, and of these there are some which interfere with the national growth of our country. And of those that interfere with the national growth, the system of sanctioning text books is one of the most important. If the system of sanctioning text books is modified or adopted on the lines of the resolution that I have moved it will be very useful in the interests of education in our country. We would like to have text books which introduce illustrations of Indian life, Indian customs, Indian culture and the Indian heroes. These will appeal more in India, than those which will speak of mountain ranges of Alps in preference to the Himalayas, the Nile in preference to the holy Ganges or the Brahmaputra. All these would be doing an immense amount of good to the children of this country. The choice of books plays a very important part in the development of reasoning power and of character of the children. In the first place if these text books were written in a systematic and rational way, then they will be very useful in developing the character of the boys. They will be useful to the teachers also. In fact the system of selecting text books should be left in the hands of the head masters, that is, they should enjoy greater freedom in the selection of text books. There are various ways in which the Education Department at present controls the selection of text books. I do not like to go into details as the time at my disposal is very short, hardly ten minutes. I would suggest that if this system were adhered to it would prejudicially affect the political interests of the country, the educational interests of the children and the economic interests of the publishers in this country. All these are prejudicially affected at present as we have no control over the selection of text books. I will not, as I said, go into details, but I submit, Sir, that the present system of sanctioning text books should be modified and the mutual censorship on the education of boys and girls of this country should cease. I will merely put this resolution to the acceptance of the House, as the time at my disposal is over.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I move that under standing Order IV, 4 (1) the consideration of this resolution



[Mr. J. C. Swaminarayan]

moved by my honourable friend Dr. Dixit be adjourned to the next session.

Question proposed.

The Honourable Sir CHUNILAL MEHTA : I find, Sir, that honourable members on this side of the House do not desire to support the motion moved by my honourable friend Mr. Swaminarayan. Sir, I do not know what really the object of the motion is because there are only a few minutes left before we adjourn. The natural consequence of the motion that has been moved by my honourable friend Dr. Dixit and the discussion that is likely to follow is that the whole of this resolution will automatically go on to the next session.

The Honourable the PRESIDENT : It would be considered as talked out unless the Honourable the Leader of the House relies upon any rule for the statement he makes.

The Honourable Sir CHUNILAL MEHTA : My recollection is that on a previous occasion a resolution remained unfinished and it was continued in the next session. I cannot quote chapter and verse at the moment but I think the resolution was about primary education.

Mr. H. B. SHIVDASANI : That was also adjourned by a separate motion.

Mr. J. C. SWAMINARAYAN : Further discussion is not allowed under the rules and standing orders.

The Honourable the PRESIDENT : I may inform the Honourable the Leader of the House that unless he relies upon any rule the question will be considered as talked out.

The Honourable Sir CHUNILAL MEHTA : Then, Sir, as this is your ruling that the resolution, unless it is decided upon to-day, gets talked out, supposing Mr. Swaminarayan's motion is thrown out, what will be the consequence ?

The Honourable the PRESIDENT : If there is time, I will allow discussion and when the time is up I will ring the bell and the discussion will stop.

The Honourable Sir CHUNILAL MEHTA : It goes out in any case then ?

The Honourable the PRESIDENT : Yes.

The Honourable Dewan Bahadur HARILAL D. DESAI : I oppose the motion of my honourable friend Mr. Swaminarayan.

### *Division No. 16*

Question put : House divided : Ayes 13 ; Noes 31 : Motion lost.

#### **Ayes**

ATAVANE, Mr. A. M.  
BHOSLE, Mr. M. G.  
CHANDRACHUD, Mr. N. B.  
DIXIT, Dr. M. K.  
GUNJAL, Mr. N. R.  
KARKI, Mr. M. D.  
LIGADE, Mr. S. P.

MARZBAN, Mr. P. J.  
NAIK, Rao Bahadur B. R.  
SARDESAI, Mr. S. A.  
SHIVDASANI, Mr. H. B.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes : MR. J. C. SWAMINARAYAN and DR. M. K. DIXIT.*

## Noes

AHMAD, MOULVI RAFIUDDIN

ANDERSON, Mr. F. G. H.

ANDREW, Mr. T. A.

ANGADI, Rao Bahadur S. N.

BALAK RAM, Mr.

CHIKODI, Mr. P. R.

DAWOODKHAN SHALEBHOY, Mr.

DESAI, the Honourable Dewan Bahadur  
HARILAL D.

DOW, Mr. H.

FREKE, Mr. C. G.

GHOSAL, Mr. J.

GHULAM HUSSAIN, the Honourable Sir

GHULAM NABI SHAH, Khan Bahadur

HATCH, Mr. G. W.

HOTSON, the Honourable Mr. J. E. B.

JADHAV, Mr. B. V.

JEHANGIR, the Honourable Sir COWASJI

MARTIN, Mr. J. R.

MEHTA, the Honourable Sir CHUNILAL

MONTEATH, Mr. J.

MUJUMDAR, Sardar G. N.

OLIVEIRA, Mr. F.

POOLEY, Mr. C. B.

PRADHAN, the Honourable Mr. G. B.

RIEU, the Honourable Mr. J. L.

SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.

SYED MUNAWAR, Mr.

THAKOR OF KERWADA, the

TURNER, Mr. C. W. A.

WEBB, Mr. M.

WILES, Mr. G.

*Tellers for the Noes : MR. C. G. FREKE and MR. F. OLIVEIRA.*

The Honourable the PRESIDENT: I have now to intimate to the House that I have received a Commission from His Excellency directing me to announce that he is pleased to order that the present session of the Legislative Council should be prorogued. Accordingly, by virtue of this Commission of His Excellency, I declare this Council prorogued until the day of which due notice shall be given. This Council is now prorogued.

## APPENDIX I

## BILL No. III OF 1927

*(A Bill to provide for the establishment and the better regulation of Cotton Markets in the Bombay Presidency)*

## REPORT OF THE SELECT COMMITTEE

We the undersigned members\* of the select committee appointed to consider Bill No. III of 1927 a Bill to provide for the establishment and the better regulation of Cotton Markets in the Bombay Presidency, have the honour to submit the following report :—

1. We have carefully considered the provisions of the bill and have made the following charges in it :—

(1) We have decided to exclude the town of Karachi from the operation of the Act and have made the necessary changes in the preamble and in clause 2 of the bill.

(2) We have decided unanimously that cotton waste should not be included in the definition of cotton given in clause 3 (i) of the bill.

(3) We consider it desirable that the Act should contain a definition of the words "grower of cotton" in view of the fact that by clause 5 of the bill growers of cotton are given the right to elect not less than half the members of the market committee. We have, therefore, inserted the necessary definition in clause 3 (ii) so as to provide that dealers and brokers of cotton who happen also to be growers of cotton will not be treated as growers of cotton for the purposes of clause 5 of the bill.

(4) We are of opinion that it is not necessary to constitute divisional cotton committees merely for the purpose of advising or recommending to Government that cotton markets should be established. In our opinion this function can be more adequately performed by the district local boards. We have, therefore, deleted clauses 3 (iii) and 6 (v) of the bill, and have amended clause 4 by substituting "the district local board" for "the divisional cotton committee." We consider that a cotton market should be established only upon representations made by the local boards and have made the necessary change in clause 4.

(5) We think it necessary that there should be on each market committee a representative of the district local board of the area in which the market is situated, in addition to a representative of the municipality if the market happens to be in a municipal area. Clause 5 has been amended accordingly.

(6) We consider it desirable that provision should be made by rules for the preparation and revision of lists of voters and for the payment

\* Note.—The signatures of Messrs. Jairamdas Doulatram, A. Duguid, W. S. Mukadam and Rao Saheb D. P. Desai will be notified when received.

[Appendix 1—*contd.*]

of expenditure in connection with elections. We think that the expenses of the elections should come from the market committee fund. The necessary amendments have been made in clauses 6 (2) (i) and 12 (iv).

(7) We have made it clear that, wherever penalties are provided for offences under the Act or rules thereunder, they can be inflicted only on conviction by a magistrate. The necessary changes have been made in clauses 6 (3), 7 and 17.

(8) We have amended clause 12 so as to provide that the market committee fund shall be expended only for the four purposes mentioned in the clause.

(9) We have added an explanation to clause 16 to make it clear that sale by an individual of his own cotton, outside the market, will not constitute the setting up of a market within the meaning of the Act.

2. We recommend that this report, together with the minutes of dissent, if any, and the bill as amended, should be translated into Marathi, Gujarati, Kanarese and Urdu, and should be published with the translations in the *Bombay Government Gazette*. It should be also translated into Sindhi and the translation published in the *Sind Official Gazette*.

(Signed) G. B. PRADHAN (*subject to a minute of dissent*),  
 ( " ) BALAK RAM (*subject to a minute of dissent*),  
 ( " ) J. W. SMYTH (*subject to a minute of dissent*),  
 ( " ) N. E. NAVLE,  
 ( " ) NOOR MAHOMED,  
 ( " ) S. T. KAMBLI (*subject to a minute of dissent*),  
 ( " ) W. ELLIS JONES (*subject to a minute of dissent*),  
 ( " ) R. S. ASVALE (*subject to a minute of dissent*),  
 ( " ) V. N. JOG (*subject to a minute of dissent*),  
 ( " ) LALJI NARANJI (*subject to a minute of dissent*),  
 ( " ) H. V. PATASKAR (*subject to a minute of dissent*),  
 ( " ) M. S. KHUHHO,  
 ( " ) D. R. PATIL (*subject to a minute of dissent*),  
 ( " ) BHIMBHAI R. NAIK (*subject to a minute of dissent*),  
 ( " ) H. J. AMIN.

[Appendix 1—*contd.*]

(*Joint Minute of Dissent by the Honourable Mr. G. B. Pradhan, LL.B., M.L.C., Mr. Balak Ram, I.C.S., M.L.C., Mr. J. W. Smyth, I.C.S., M.L.C.*)

Clause 4 of the Bill as originally drafted was so worded that Government would take the initiative also, if they so chose by consulting the Divisional Cotton Committee about the desirability of declaring any particular place as a cotton market. The select committee has deleted the words "after consulting, etc.," and has substituted the district local board in place of the Divisional Cotton Committee. We have no quarrel about the substitution of the district local board for the Divisional Cotton Committee, but we do think it desirable that there should be the power of initiation in the Government also. Suppose for instance that a Local Authority like a city municipality desires that their place should be declared a cotton market,—and it must be remembered that there are many municipalities in the cotton producing districts where large markets of cotton exist,—and for some reason or other the district local board does not choose to make a representation, then the Government must be able to take the initiative. Oftentimes owing to negligence or various other causes the district local board may not take the initiative by making a representation; then according to the new clause nothing can be done. We do not mean to argue that Government would be prepared to force cotton markets where they are not wanted; but it is absolutely necessary that Government should possess the power of starting inquiries with a view to see if it is desirable that a particular place should be declared a cotton market or not.

We would, therefore, propose that there should be the following amendment to clause 4:

After the words "The Local Government may" and before the words "upon a representation, etc.," *add* the following words:—

"After consulting the district local board and such other Local Authorities as they deem necessary or."

3rd September 1927.	(Signed) G. B. PRADHAN.
9th September 1927.	( " ) BALAK RAM.
9th September 1927.	( " ) J. W. SMYTH.

(*Minute of Dissent by Rao Bahadur S. T. Kambli, M.L.C.*)

The power to make a recommendation to Government for establishing a cotton market in any area in a district is given by the Select Committee solely to the District Local Board of that area. I disagree with this view. The municipalities within the area of a district are important local bodies and their views in such an important matter are worth obtaining and ought to be obtained and considered. These important local bodies are entirely ignored by the amended provisions of clause 4 of the bill. This neglect of these important local bodies is likely to lead to a friction and to a bitterness of feeling which ought to be avoided in the best interests of the Presidency.

[Appendix 1—*contd.*]

My view is that the initiative of making a recommendation should be vested in a joint body consisting of the members of the District Local Boards and of the members of the municipalities of the district concerned. Such a joint body should be constituted for the purposes of this Act and the function of such a body should be to make recommendations to Government for establishing cotton markets under the Act if and when they think fit and proper to do so. My sole object is that the municipalities and District Local Boards should always act in sympathy and not in opposition to each other.

The municipal towns in the cotton growing areas in this Presidency, especially in the Karnatak, have hitherto played an important part, and they will hereafter continue to play an important part, in the growth and development of cotton trade in this Presidency. Hence it is quite necessary that in such an important matter as the establishment of cotton markets under this Act, the municipalities and the District Local Boards should act in concert. On no account would it be prudential if the municipalities were to be excluded out of consideration in such a vital matter. To avoid friction and to arrive at a sound conclusion on such a vital and complicated subject, *viz.*, the establishment of a cotton market under this Act, a joint body or board consisting of the members of the District Local Board and of the members of the municipalities in the district should be set up and this newly constituted board or body representing both rural and urban interests should be empowered to make recommendations to the Government under clause 4 of the Bill.

I desire to add a proviso to clause 16 of the Bill to the following effect, *viz.* :— “ Provided that towns or cities which have hitherto enjoyed the right or privilege of holding cotton markets within their respective areas should not be deprived of their right or privilege to continue to hold such markets. ”

In the different parts of the Presidency there are various towns or cities especially in the Karnatak which have been holding cotton markets from a pretty long period of time. Several people have invested large sums of money in erecting pressing and ginning factories within the limits of these cities. There will be found many people who have invested large sums of money in erecting godowns and warehouses in these towns for providing special facilities for the storing of cotton in case the grower of cotton thought it necessary not to sell his cotton at once or on the day when his cotton was brought into market in the expectation of getting a better price for his cotton at a future date. These and other considerations of a similar nature incline me to desire the addition of a proviso of the nature mentioned above to clause 16 of the Bill.

6th September 1927.

(Signed) S. T. KAMBLI.

*(Minute of Dissent by Major W. Ellis Jones, M.L.C.)*

The intention of the Select Committee was to provide that a person who trades in cotton but who is also a cotton grower shall not be treated as a cotton grower for the purposes of clause 5 of the Bill. The addition to

[Appendix 1—*contd.*]

clause 3 should read “ a grower of cotton shall not include a dealer or broker in cotton although such a person may grow cotton. If a question arises whether any person is a grower of cotton or not for the purposes of this Act, the decision of the Collector shall be final. ”

The majority of the committee assumed that Divisional Cotton Committees were now to be created for the first time merely for the purposes of this Act. The contrary is the case as Divisional Cotton Committees have been established in the Presidency since 1922 and advise Government on cotton policy. Hence they are the bodies which naturally would be called on to advise Government in this and similar matters.

Clause 3 (iii) and clause 6 (v) merely give these committees legal recognition for the purposes of the Bill.

There is no objection to a provision in the Bill that district local boards shall be consulted but to entirely omit all reference to Divisional Cotton Committees, and to leave the initiative entirely to district local boards is to ignore the wider cotton interests and to jeopardise the success of the Act. In my opinion clause 3 (iii) should be retained and clause 4 (i) should read “ The Local Government may, upon a representation made by either the Divisional Cotton Committee or the District Local Board, by notification in the *Bombay Government Gazette*, declare that any place shall be a cotton market established under this Act. ”

6th September 1927.

(Signed) W. ELLIS JONES, Major.

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(Minute of Dissent by Mr. R. S. Asavale, M.L.C.)

I regret to have to differ from some of my colleagues in the standpoint from which they view or examine this all important and vital question of establishment and the better regulation of cotton markets in the Bombay Presidency.

As the present Bill III of 1927 is for the benefit of the growers of cotton and indirectly the cotton trade to get better prices, fairer weightments and to prevent illegal deductions, I would suggest that the growers of cotton should have the right to elect not less than two-third members of the Market Committee and that the expenses for the preparation and revision of lists of voters and for the payment of expenditure in connection with elections should be borne by the Government.

5th September 1927.

(Signed) R. S. ASAVALE.

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(Minute of Dissent by Mr. V. N. Jog, M.L.C.)

1. I do not agree that the district local board should be the only body that can call for the establishment of a market, and I oppose strongly the view that no markets could be established unless upon a representation made by the district local board.

2. The application of such a useful measure as the establishment of open cotton markets should not be left to the sole initiation of the

[Appendix 1—*contd.*]

district local board. The district local boards as they are at present constituted are new bodies, and have been found in several cases rather slow in initiation and action. Their duties are multifarious and already burdensome, and it is doubtful whether they will keenly interest themselves in this question. I think it highly desirable that it should be open to Government who in this particular case is the Governor acting with the advice of a popular Minister, to take the initiative in consultation with important interests concerned, in the establishment of open and regulated cotton markets. The good results hoped for and anticipated by the Bill will be tardy and take a long time to materialise if the initiative be left exclusively to the district local boards.

3. Another point which I wish to emphasise is the district local boards are not the only bodies which are interested in the establishment of open regulated cotton markets. No doubt they are bodies consisting mainly of the representatives of the landowners and cultivators and are interested in saying whether they want such a market or not. It is not necessarily and often that a person who is interested and takes a real interest in the growers is elected on the boards. There are several instances in the local boards where doctors, lawyers, merchants and commission agents who have influence in the districts and talukas are returned as the representatives of the landowners and growers. The object of the bill is to secure proper and adequate price and full and true weight for the cotton sold by the cultivator, who in addition is to be freed from the many illegal and unlawful deductions to which he is subjected. Many other associations and bodies have come into being mainly with a view to improve the economic condition of the rural masses, *e.g.*, co-operative societies, taluka development and agricultural associations. I therefore think that the district local boards with their multifarious functions are not the only repositories of the interests of the agriculturists.

4. Further the object of the bill is to encourage the cultivator to grow good cotton of unmixed quality and to bring his produce in unadulterated condition to the open markets so that the person who consumes his produce may get his money's worth and help him to better his economic condition by offering him adequate price. The present position as amended altogether ignores the other interests concerned in the matters. The consumers, many of whom live in towns and cities and the dealers should in fairness be consulted in the matter. What kind of markets we can have if they are not situated in the towns and cities? Most of the cotton markets which are unregulated at present are in the cities and towns. Many of the municipalities have assigned particular sites for such markets and have granted in long leased spaces for godowns, office buildings, etc., for the conveniences of buyers and sellers. What is wanted in such places is the regulation and control to remove the many ills that are complained of. To avoid friction between rural and urban areas a mixed body composed of various interests will be necessary to be consulted before the market is declared to be open.



[Appendix 1—*contd.*]

5. Of course I think that the area of the cotton market is limited to a few miles. The markets would be more than one in a single district. Considered from this point of view also, the district local board would not be the proper body to say what particular places shall be markets.

6. I would even consent to a division committee as a consulting body if its constitution would be determined by the Act and not left to the rules.

7. I am of opinion that the limit of punishments to be awarded for breaches of market laws, rules, etc., is pitched too high. The maximum punishment should not exceed two hundred rupees.

8. The explanation to clause 16 requires a slight change so as to ensure that within the limits of the markets no new place is used for practical purposes as a market by indirect means, taking advantage of this explanation.

7th September 1927.

(Signed) V. N. JOG.

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(*Minute of Dissent by Mr. Lalji Naranji, M.L.C.*)

The intention of the Select Committee was to provide that a person who trades in cotton but who is also a cotton grower shall not be treated as a cotton grower for the purposes of clause 5 of the Bill. The addition to clause 3 should read—

“a grower of cotton shall not include a dealer or broker in cotton although such a person may grow cotton. If a question arises whether any person is a grower of cotton or not for the purposes of this Act, the decision of the Collector shall be final.”

6th September 1927.

(Signed) LALJI NARANJI.

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(*Minute of Dissent by Mr. H. V. Pataskar, M.L.C.*)

I am of opinion that ginned cotton should not also be included in the definition of cotton given in clause 3 (i) of the Bill. The Bill is intended to protect growers of cotton from being fraudulently dealt with by merchants dealing in cotton. The class of cotton growers who needs such protection are those who sell unginned cotton. Ginned cotton is generally sold either by petty traders or those rich and influential cotton growers who are not in such a position as to allow themselves to be fraudulently dealt with by merchants dealing in cotton in open markets. They need no special protection and are well able to take care of their own interests. It is not desirable that the right of individuals to sell their commodities in any way they like, and to any persons they like and at any place they like should be unnecessarily interfered with by the State. I therefore urge that ginned cotton should be excluded from the definition of “cotton” in clause 3 (i) of the Bill.

[Appendix 1—*contd.*]

I agree to the proposal that there should be a definition of a "grower of cotton," but the definition suggested is to my mind not appropriate. The definition proposed lays down that "A grower of cotton shall not include a dealer or broker in cotton." A broker must in any case be excluded from the category of a grower of cotton. A habitual dealer must also be excluded. But the proposed definition is so worded as to exclude a *bona fide* grower of cotton who had even once in his life-time purchased cotton for some extraneous reason. There is a large class of cotton growers at least in the district of East Khandesh who occasionally lend money to other growers of cotton and in turn have to purchase on occasions cotton from them towards the satisfaction of their debts. They are not professional dealers in cotton and are mainly growers of cotton. They ought not to be excluded from the class of cotton growers. To my mind the definition should be "A grower of cotton shall not include a habitual dealer in cotton or a broker in cotton."

In clause 3 (iii) of the Bill the constitution of Divisional Cotton Committee was laid down. It had made provision for representation of the interests of dealers in cotton on that committee. By deleting this clause altogether and giving the functions of that committee to the district local boards, there has been left no provision for even the eliciting of opinions of the dealers in cotton before the establishment of a market in any particular area.

There is again another point on which I differ about the proposed amendment in clause 4. The existing cotton markets are mostly established in places situated in municipal areas and outside the jurisdiction of District Local Boards. The Act is intended mainly for regulating such markets and it is therefore of utmost importance that the municipalities concerned should also be consulted before the establishment of any markets in municipal area. Not only that, but if an existing market situated in a municipal area is likely to be affected by the establishment of a market under the proposed Act at a place near that area but outside its jurisdiction the municipality in whose area there is an existing market should be consulted. I am of opinion therefore that in clause 4 as proposed at present after the words "The District Local Board" the words "and after consulting such local bodies as are likely to be affected by the establishment of markets under this Act" should be inserted.

Clause 16 of the Bill should in my opinion be omitted altogether. If the new regulated markets are beneficial to the growers of cotton they will naturally go to those markets only for selling their cotton, and freedom should be left to any grower of cotton who would prefer other private markets even when the new regulated market is there. The setting up of a private market need not therefore be penalised.

The explanation proposed to be added to clause 6 is also faulty. The explanation prevents a man from selling his own cotton to any one he likes within the limits prescribed for the cotton market, but

[Appendix 1—contd.]

outside the market itself. A man must be left free to sell his cotton to any one even within the limits of the new proposed market.

As I am opposed to the retention of clause 16, I am also of opinion that clause 17 which has been necessitated by clause 16 should also be omitted.

9th September 1927.

(Signed) H. V. PATASKAR.

(Minute of Dissent by Rao Saheb D. R. Patil, M.L.C.)

In my opinion representation given to cotton growers in the composition of the cotton market committee contemplated by clause 5 is inadequate and it ought to be increased to two-thirds as the Bill principally aims at safeguarding the interests of the cotton growers.

So far as explanation to clause 16 goes I think a cotton grower should be allowed the liberty of selling his cotton at his doors even if his house happens to be within the limits of the cotton market, as it is just possible that the village of a cotton grower may come within the limits of the cotton market. To avoid such a contingency it is necessary to substitute the words "at his doors" for the words "outside the limits of the cotton market" appearing in the last line of the explanation.

11th September 1927.

(Signed) D. R. PATIL.

(Minute of Dissent by Rao Bahadur Bhimbhai R. Naik, M.L.C.)

In my opinion the funds of the market committee will not be adequate to meet the election expenses of the election of the members of the market committee and I propose therefore that such expenses should at least, for the first five years, be borne by Government.

10th September 1927.

(Signed) BHIMBHAI R. NAIK.

### BILL No. III OF 1927

(As amended by the Select Committee)

*Preamble.*—WHEREAS it is expedient to provide for the establishment of recognized open markets for the purchase and sale of cotton in the Bombay Presidency, excluding the City of Bombay, ~~and Aden and the town of Karachi~~, and for the better regulation of such markets; And Whereas the previous sanction of the Governor-General required by section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act: It is hereby enacted as follows:—

5 & 6 Geo  
c. 51.

1. *Short title.*—This Act may be called the Bombay Cotton Markets Act, 1927.

[Appendix 1—*contd.*]

2. *Extent*.—This Act shall apply to the whole of the Presidency of Bombay except the City of Bombay, ~~and Aden and the town of Karachi comprising, as from time to time constituted, the municipal district of Karachi, the Port of Karachi and the Cantonments of Karachi and Manora.~~

3. *Definitions*.—In his Act, unless there is anything repugnant in the subject or context:—

(i) 'Cotton'.—"Cotton" includes ginned cotton, and unginned cotton ~~and cotton waste.~~

(ii) 'Cotton market'.—"Cotton market" means a market established under section 4.

(iii) '~~Divisional Cotton Committee~~'.—"A ~~Divisional Cotton Committee shall consist of the members elected by such body or bodies and in such manner as may be prescribed in this behalf, together with such persons as may be nominated by Government to represent the interests of growers of, and dealers in, cotton.~~"

(iii) 'Grower of Cotton'.—"A grower of cotton" shall not include a dealer or broker in cotton. If a question arises whether any person is a grower of cotton or not for the purposes of this Act, the decision of the Collector shall be final.

(iv) 'Prescribed'.—"Prescribed" means prescribed by rules or by-laws made under this Act.

4. *Notification of a cotton market*.—(1) The local Government may, ~~after consulting Divisional Cotton Committee or~~ upon a representation made by ~~them~~ the District Local Board, by notification in the Bombay Government Gazette, declare that any place shall be a cotton market established under this Act.

(2) Every such notification shall define the limits of the cotton market so established, and may, for the purposes of this Act, include within such limits such local area as the local Government may prescribe.

5. *The Market Committee*.—For every cotton market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these not less than half shall be persons elected by the cotton growers of such area as the local Government may prescribe, one shall be a member nominated by the local Government, one shall be elected by the ~~local authority~~ District Local Board of the area in which the cotton market is situated, ~~one by the municipality, if any, in which the market is situated,~~ and the remainder shall be elected by the traders in the cotton market in such manner as may be prescribed.

6. *Rules*.—(1) The local Government may, either generally, or specially for any cotton market or group of such cotton markets, make rules consistent with this Act for the purpose of the management and regulation of such cotton markets under this Act.

[Appendix 1—*contd.*]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(i) the election and nomination of members of the market committee, the number of members to be elected by each of the bodies or groups of individuals referred to in section 5, and the manner of election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such election and the term of office of such members ;

(ii) the powers to be exercised by the cotton market committee ;

(iii) the election of the chairman of such committee and his term of office ;

(iv) the filling of casual vacancies in the offices of members or in the office of chairman of the market committee ;

~~(v) the constitution of the Divisional Cotton Committee ;~~

~~(vi)~~ (v) the management of the cotton market and the prescribing of fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees ;

~~(vii)~~ (vi) the issue by the market committee of licenses to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the cotton market, the form in which, and the conditions under which, such licenses shall be issued, and the fees to be charged for such licenses ;

~~(viii)~~ (vii) the place or places at which cotton shall be weighed or measured and the kind and description of the scales, weights and measures to be used at such place or places ;

~~(ix)~~ (viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the cotton market ;

(x) (ix) the trade allowances which may be made or received by any person in any transaction in a cotton market ;

~~(xi)~~ (x) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates ;

~~(xii)~~ (xi) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published ;

~~(xiii)~~ (xii) the preparation of an annual budget and its submission for sanction, and the reports and returns which shall be furnished by the market committee ;

~~(xiv)~~ (xiii) the disposal of any surplus fund of the market committee ;

~~(xv)~~ (xiv) generally for the guidance of the market committee.

(3) Any such rules may, when necessary, provide that any contravention thereof or of any of the conditions of any license issued thereunder shall on conviction by a magistrate be punishable with fine which may extend to five hundred rupees.

[Appendix 1—*contd.*]

(4) All rules made under this section shall be subject to previous publication and shall, when made, be laid on the table of the Bombay Legislative Council.

7. *By-laws.*—Subject to any rules made by the local Government under the last preceding section and with the previous sanction of the commissioner, the market committee may, in respect of the cotton market under its management, make by-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall *on conviction by a magistrate* be punishable with fine which may extend to fifty rupees.

8. *Sub-committees and joint committees and delegation of powers.*—The market committee may appoint one or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or of its members such of its own powers as may be necessary.

9. *Appointments and salaries of servants of the market committee.*—

(1) The market committee may employ such officers and servants as may be necessary for the management of the cotton market and may pay such officers and servants such salaries as the committee thinks fit. The committee may, in the case of any officer or servant of Government which it employs, pay such pension contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised subject to any rules which may be made in this behalf by the local Government.

10. *Contracts how executed.*—(1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in subsection (1) shall be binding on a market committee.

11. *The market committee fund.*—All monies received by a market committee shall be paid into a fund to be called the "Market Committee Fund" and all expenditure made by the market committee under or for the purposes of this Act shall be defrayed out of the said fund: any surplus remaining after such expenditure has been met shall be expended as may be prescribed in the rules made in this behalf.

12. *Purposes for which the market committee fund may be expended.*—Subject to the provisions of section 11 all fees collected by the market

[Appendix 1—*contd.*]

committee under this Act or the rules made thereunder shall be expended ~~on~~ *for the following purposes only* :—

- (i) the maintenance and improvement of the cotton market ;
- (ii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it ; and
- (iii) the pay, pensions, leave allowances and pensions or provident fund contributions of the officers and servants employed by the market committee.
- (iv) *the expenses of and incidental to elections.*

13. *No trade allowance not recognized by custom or rules allowable.*—

(1) No trade allowance, other than an allowance prescribed by rules or by laws made under this Act, shall be made or received by any person in any transaction in a cotton market established under this Act, and no Civil Court shall, in any suit or proceeding arising out of any transaction in any such cotton market, have regard to any trade allowance not so prescribed.

*Explanation.*—Every deduction other than deductions on account of deviation from sample, when the purchase is made by sample, or of deviation from standard, when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

14. *Power to borrow.*—(1) Every market committee may, with the previous sanction of the local Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the local Government.

15. *Supersession of market committee.*—(1) If in the opinion of the local Government a market committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or exceeds or abuses its powers, the local Government may, by an order published in the *Bombay Government Gazette*, declare such market committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and may supersede it.

(2) When a market committee has been superseded, all members of the committee shall, as from the date of the order, vacate their offices as members.

(3) When a market committee has been superseded, all property and rights vested in it shall, subject to all charges and liabilities affecting the same, vest in Government.

[Appendix 1—*contd.*]

Provided that if no new market committee is constituted for the cotton market under section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall vest in the local authority of the area in which the cotton market is situated for the purpose of any object of public utility in the said area.

16. *No private market to be opened in or near places declared to be cotton markets.*—Wherever the local Government has, by a notification under section 4, declared any place to be a cotton market, no person shall, within the area of such cotton market or within a distance thereof to be notified in the *Bombay Government Gazette* in this behalf in each case by the local Government, except with the sanction in writing of the local Government expressed over the signature of a Secretary to Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of cotton.

*Explanation.*—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of cotton if he sells his own cotton outside the limits of the cotton market.

17. *Penalties.*—Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of cotton, or violates the conditions under which he has been allowed to set up, establish or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs. 500, and, in case of a continuing breach of the provisions of section 16, with fine which may extend to Rs. 100 for each day after the first during which the breach continues.

18. *Offences to be triable only by First Class Magistrates.*—No offence under this Act or under any rule made under section 6 shall be triable by a magistrate other than a magistrate of the first class.

All fines and damages recovered from an offender shall be paid to the market committee.

Prosecutions under this Act may be instituted by any person duly authorized in writing by the market committee in this behalf.

## APPENDIX 2

## BILL No. XXI OF 1927

(A Bill to amend the law relating to the University of Bombay)

## REPORT OF THE SELECT COMMITTEE

We, the undersigned members\* of the Select Committee appointed to consider Bill No. XXI of 1927 (an Act to amend the law relating to

\* Note.—The signatures of Messrs. J. B. Petit, Noor Mahomed, Jairamdas Doulatram, R. G. Pradhan, Dr. M. D. Gilder and Dr. B. R. Ambedkar will be notified when received.



[Appendix 2—*contd.*]

the University of Bombay), have the honour to submit the following report :—

2. We have carefully considered the Bill and have made several changes in it.

3. We have amended clause 2, so as to give Government the power of fixing by notification in the *Gazette* the date on which the new Act should come into force.

4. We have amended the definition of “ teacher ” in clause 3 (*h*), so as to leave it to the Senate to decide by a statute who are to be treated as teachers for the purposes of the Act.

5. We have, after careful consideration, decided that it is desirable to retain the provisions for the appointment of a Rector if at any time the creation of such a post appears necessary. We think that the appointment should be made by a majority of at least three-fourths of the whole number of Fellows. The necessary amendment has been made in clause 12.

6. As suggested by the Government of India, we have inserted a new clause 5 providing that the Governor General shall be the Visitor of the University and defining his powers. The clause which we have inserted is based on section 8 of the Andhra University Act (Madras Act II of 1926).

7. As suggested by the Government of India, we have deleted clause 7, sub-clause (5), which provided for the school-leaving examination board. In consequence of this amendment, original clauses 24 and 31-(2) (*k*) become unnecessary and have been deleted. We have provided for a board of post-graduate studies.

8. We have made a formal amendment in clause 8 deleting sub-clauses (*a*), (*b*) and (*c*). As the three posts of Chancellor, Vice-Chancellor and Rector are mentioned under the heading of *ex-officio* Fellows in clause 13, it is unnecessary to mention them specifically here.

9. We have amended clause 11, so as to make it clear that the Vice-Chancellor shall be responsible for the proper administration of the University and shall when present preside at the meetings of the Syndicate and exercise, in addition to the powers specifically conferred on him, such other powers as may be conferred on him by this Act and by the Statutes, Ordinances and Regulations.

10. We have considered the question whether it is necessary to provide for the appointment of a Pro-Vice-Chancellor and have decided that it is not necessary.

11. We have made the following amendments in the constitution of the Senate as laid down in clause 13 :—

(a) We have transferred the Registrar of the University to the class of *ex-officio* Fellows mentioned in class (I) A.

(b) We have amended B (*vi*) and provided that only the Secretary to the Government of Bombay, Public Works Department, shall be an *ex-officio* Fellow as it is possible that the two posts of Chief Engineer

[Appendix 2—*contd.*]

and Secretary to Government, Public Works Department, which are at present held by the same officer may in the future be held by two different officers.

(c) In B (vii) we have provided that the Vice-Chancellors of only such other Universities as are established by law shall be *ex-officio* Fellows.

(d) We consider it undesirable that the principals of all colleges which are permitted to send up candidates for degree examinations should be *ex-officio* Fellows. In our opinion, only a certain number of the principals elected by themselves should be on the Senate. We have therefore removed them from the class of *ex-officio* Fellows and transferred them to II-A under the class of Ordinary Fellows. We have provided 13 seats for them and, in order to ensure that the various territorial divisions of the Presidency and also the various kinds of colleges should be adequately represented, we have provided that out of the eight seats allotted by us to principals of Arts colleges, at least one should be held by a principal of a college in each group in the Presidency and that colleges teaching pure science, medicine, agriculture, engineering and law should each have one seat for each type of college.

(e) We have increased the number of seats allotted to University teachers from 5 to 10.

(f) We have provided that the elections by the principals, by University teachers, teachers and by head masters shall be from among themselves.

(g) We have further provided that the five seats allotted to head masters should be distributed, one being allotted to each of the five groups.

(h) The groups have been arranged on the basis of the present educational divisions of the Presidency, and power has been given to the Senate to decide to which groups the schools and colleges in Indian States should be attached. The substitution of these groups for the Revenue Divisions involves the giving of two more seats to the municipalities and local boards. The members elected by the municipalities and local boards need not, in our opinion, necessarily be from among themselves.

(i) We have considered the question whether it is desirable to prescribe some educational qualification for the representatives of the municipalities and local boards and have decided that no such qualification should be prescribed.

(j) We have decided that one seat should be assigned to the Bombay Millowners' Association and one to the Ahmedabad Millowners' Association.

(k) We think it desirable that of the five representatives allotted to the Legislative Council of the Governor of Bombay, one should necessarily be the representative of the University on the Council if he is

[Appendix 2—*contd.*]

not already a member of the Senate. We have made the necessary amendment in II-A-vii.

12. We have made a small amendment in clause 15 (2) excepting Life Fellows from the operation of that clause.

13. We have amended clause 17 so as to provide that the recommendation of the Senate for cancelling the appointment or election of any Fellow should be supported by at least two-thirds of the whole number of the Fellows of the University. We have deleted the provision in this clause which made a person whose appointment or election had been cancelled ineligible for re-appointment or re-election.

14. We have made the following amendments in clause 18 :—

(a) Slight verbal amendments have been made in sub-clauses (1) and (2) (b).

(b) We have deleted the existing sub-clause (e) and have transferred this power to the Syndicate under clause 21 (q). We have inserted a new sub-clause (e) giving the Senate the power to make provision for the physical and military training of students.

(c) We have deleted sub-clause (h) as we consider that this power should be given to the Syndicate and have given the power to the Syndicate under clause 21 (p).

15. We have amended clause 19 (3) to make the assigning of a Fellow to a Faculty optional.

We have also amended clause 19 (5).

16. The following amendments have been made in clause 20 :—

(a) We have provided that the Vice-Chancellor must be in the Syndicate.

(b) We think it desirable that the seven persons to be elected by the Faculties should be elected not by the Faculties themselves but by the Academic Council from among themselves, each Faculty being represented by at least one member. We have amended sub-clause (1) (d) accordingly.

We have amended sub-clause (1) (e) so as to provide that nine persons shall be elected by the Senate from among the Fellows who are neither Principals, University Professors, University Teachers, Teachers nor Head Masters.

(c) We have inserted a new sub-clause (2) providing that members of the Syndicate must be Fellows of the University and should hold office for three years.

17. We have made the following amendments in clause 21 :—

(a) The proviso in sub-clause (b) governs other clauses besides (b). We have therefore relegated it to the end of the clause.

(b) We have amended sub-clause (c) so as to give the Syndicate the power to deal with all regulations framed by the Academic Council and not merely the regulations laying down courses of study.

[Appendix 2—*contd.*]

(c) We have amended sub-clause (f) so as to provide that appointments shall be made on the recommendation of a committee of selection where such a recommendation is required by the Act or Statutes.

(d) We have amended sub-clause (h) so as to give to the Syndicate the power to issue instructions for maintaining the efficiency of colleges and to take action against them in case such instructions are disregarded.

(e) We have inserted a new sub-clause (i) giving the Syndicate the power to require reports, returns and other information from the colleges.

(f) We have deleted sub-clause (l) which gave the Syndicate power to appoint the Board of Post-Graduate Studies, as we have provided for such a Board in clause 7.

(g) We have inserted two sub-clauses (m) and (n) giving the Syndicate power to provide for buildings, furniture, apparatus, etc., needed for carrying on the work of the University and the power to enter into, vary, carry out and cancel contracts on behalf of the University.

(h) We have transferred to the Syndicate (in sub-clauses (p) and (q) of clause 21) the powers mentioned in sub-clauses (e) and (h) of clause 18.

18. In clause 22 we have provided that, so long as there is no Rector, the Vice-Chancellor shall be a member of the Academic Council. We have amended sub-clauses (iii), (v) and (vi).

19. We consider it desirable that the Academic Council should have the power to elect its own Chairman, and have amended clause 24 (I) accordingly.

We have made some verbal amendments in sub-clause (2) (b) of clause 24 and have inserted two new sub-clauses (j) and (k).

20. Clause 24 of the original Bill has been deleted as suggested by the Government of India. We have inserted a new clause 25 providing for the constitution and functions of the Board of Post-Graduate Studies.

21. We consider that a Committee of Selection is necessary to advise the Syndicate as regards appointments of whole-time University Professors or University Teachers and have inserted a new clause 28 to provide for such a committee.

22. We do not consider it desirable that the consent of the Vice-Chancellor should be necessary for the conferring of honorary degrees, and have amended clause 30 accordingly.

23. We think it necessary that before any person's degree, diploma, license, title or mark of honour is cancelled, he should be given an opportunity to explain. We also think that such cancellation should only be made by a decision of not less than two-thirds of the total number of the Fellows of the Senate. We have made the necessary amendments in clause 31.

[Appendix 2—*contd.*]

24. We have inserted two new sub-clauses in clause 31 providing for the restoration on good cause shown of any degree, diploma, license, title or mark of honour which may have been cancelled.

25. We have deleted from clause 32 (1) the words “ under the direction and regulation of the Government of Bombay.”

26. The following amendments have been made in clause 33 :—

(a) We consider that the functions of the Faculties should be determined by the Syndicate, not by the Senate, and have amended clause (g) accordingly.

(b) The original sub-clause (k) has been deleted as provision for the School-Leaving Examination Board has been deleted. We have inserted a new sub-clause (k) providing for the holding and control of the Matriculation Examination.

(c) We have deleted sub-clauses (n), (p), (q), (r), (t), (u) and the latter portion of (o) (renumbered as (n)) from this clause as we consider that these powers should be given to the Syndicate. We have also deleted sub-clause (s) as we consider that this power should be transferred to the Academic Council.

We have deleted sub-clause (v).

27. We have deleted sub-clause (1) of clause 34 and have inserted a new clause 44 (1) making provision for the contingencies referred to in the original clauses 32 (1) and 42 (1).

28. The following amendments have been made in clause 35 :—

(a) In sub-clause (e) we have substituted the Matriculation Examination for the School-Leaving Examination.

(b) We have amended sub-clause (g).

(c) We have inserted new sub-clauses (l) and (u) and have amended the proviso.

(d) We have made small verbal amendments in sub-clause (2).

29. The following amendments have been made in clause 36 :—

(a) We have added some words to sub-clause (1) to make it clear that the regulations of the Academic Council must be submitted to the Syndicate for approval and have made some consequential and verbal changes in sub-clause (2).

(b) We have added a new sub-clause (3) providing for cases in which the Academic Council and the Syndicate may not be able to agree.

30. We have made a slight verbal amendment in clause 38.

31. We have amended sub-clauses (2) and (3) of clause 39, leaving the decision as regards the affiliation of colleges to the Senate instead of to Government. A consequential amendment has been made in sub-clause (3).

32. We have made a slight verbal amendment in clause 42 (1).

33. We have amended clause 47 so as to save the existing jurisdiction of the High Court.

[Appendix 2—*contd.*]

34. We have made some verbal alterations in clause 48 and have re-drafted clause 49.

35. We recommend that this Report, together with the minutes of dissent if any, and the Bill as amended should be published in English in the *Bombay Government Gazette*. We do not consider it necessary to translate them into any vernacular language.

(Signed) HARILAL DESAIBHAI DESAI.

( .. ) MOULVI RAFIUDDIN AHMAD (*subject to a minute\* of dissent*).

( .. ) C. W. A. TURNER (*subject to a minute of dissent*).

( .. ) JETHALAL CHIMANLAL SWAMINARAYAN (*subject to a minute of dissent*).

( .. ) H. HAMILL (*subject to a minute of dissent*).

( .. ) FARDUNJI M. DASTUR (*subject to a minute\* of dissent*).

( . ) B. G. PAHALAJANI.

( .. ) B. V. JADHAV (*subject to a minute\* of dissent*).

( .. ) P. R. CHIKODI (*subject to a minute of dissent*).

( . ) K. M. MUNSHI (*subject to a minute\* of dissent*).

( . ) S. N. BHUTTO.

( .. ) V. N. JOG.

( . ) S. C. JOSHI.

( . ) BALAK RAM (*subject to a minute of dissent*).

( .. ) G. B. PRADHAN.

( ) GHULAM HUSSAIN Hidayatallah (*subject to a minute\* of dissent*).

( .. ) R. R. KALE (*subject to a minute\* of dissent*).

( . ) S. T. KAMBH

(*Joint Minute of Dissent by Mr. H. Hamill, M.L.C., Mr. Balak Ram, I.C.S., M.L.C., and Mr. C. W. A., Turner, I.C.S., M.L.C.*)

We dissent from the following decisions of the Select Committee :

(1) Paragraph 5.—The majority demanded by this paragraph virtually makes it impossible for the University to create the office. We think that a majority of 2/3rds of the Fellows present at a meeting of the Senate should be enough to authorise the University to create the office of Rector. The appointment of the individual should, as in the case of a University Professor, be left to the Syndicate. This body should be compelled by the Act when appointing a Rector to follow a procedure similar to that laid down for the appointment of University Professors.

[Appendix 2—*contd.*]

(2) Paragraphs 9 and 16. —We think that these amended clauses 10\* and 19\* of the Bill will require to be modified to provide for the position of the Rector on the Syndicate. If a Rector is appointed he ought to preside over the Syndicate, and the Vice-Chancellor in consequence ought not then to be a member of the Syndicate.

(3) Paragraph 11 (d).—We consider it essential that every affiliated full grade College should be represented on the Senate and that the proper representative of a College is the Principal. We therefore suggest that the original provision of the Bill in this respect be restored.

(4) Paragraph 16 (b), last sub-paragraph.— We think it unwise to prevent the Senate from electing to the Syndicate Principals of Colleges if it desires to do so. We therefore think that the word "Principals" be deleted from the amended clause 19 (1) (e) of the Bill.

(5) Paragraphs 18 and 19.—We consider that the Rector, if any, should be *ex-officio* Chairman of the Academic Council, and that till a Rector is appointed the Vice-Chancellor should perform this duty. Clause 23 of the Bill should be amended accordingly.

(6) Paragraph 31.—We think that the power of affiliation should remain with Government as at present and that clause 37, sub-clauses (2), (3) and (4) of the Bill should remain as in the original draft. We also think that clause 37 (1) (h) should be restored.

(Signed) H. HAMILL.

( „ ) BALAK RAM.

( „ ) C. W. A. TURNER.

9th September 1927.

(*Minute of Dissent by Mr. J. C. Swaminarayan, M.L.C.*)

The discussions in the Select Committee were conducted in a great hurry and in many cases popular amendments were thrown out only by the casting vote of the Chairman. Hence it follows that those proposals did not emanate only from the extremist members of the Committee. Almost half the Committee endorsed some of the important proposals and, had it not been for the Chairman exercising his right of vote twice, they would have been carried.

The proposal that the Vice-Chancellor should be elected from among the Fellows was supported by ten members of the Select Committee and it was thrown out by the casting vote of the Chairman. The Rector, against whom there is a good deal of opposition in the public and the Press, remained only by the casting vote of the Chairman. I am strongly of opinion that under the present circumstances it is absolutely unnecessary to saddle the University with a salaried officer costing 36,000 rupees per annum. When the post-graduate departments increase in number and the necessity of a permanent officer arises, it would be very easy to make a small amendment in the Act at that time. It is simply futile to

[Appendix 2—*contd.*]

keep the provision on the Act at present and give temptation of canvassing as soon as the Act is passed. Though the Select Committee has provided that a majority of at least three-fourths of the whole number of Fellows will be necessary for the creation of the post of a Rector, the section should not be allowed to stand even in that form. In that form, the section will preclude the creation of the post of a Rector almost for all time to come. Even if the amended section is allowed to stand, it will be necessary to amend it further when the necessity of a Rector really arises. So at present the section for the creation of the post of a Rector must be thrown out altogether. These important matters of the election of the Vice-Chancellor and the deletion of the provision for the creation of the post of a Rector will have to be fought out on the floor of the House at the time of the second reading and amendments to that effect will have to be tabled.

Coming to the constitution, I have to say that though the Select Committee has kept up the large number of nominated Fellows originally provided in the Act, it is necessary to reduce that number. Nominated element should not be more than twenty per cent. and the number of nominated Fellows should not be more than thirty. Again, while city municipalities and district local boards have been given the right of franchise, town municipalities have been left out altogether. If instead of the city municipalities we mention the word "municipalities" only, all the municipalities, whether city or town, will be included and the difficulty will be removed without increasing the number of Fellows.

The powers of affiliation and disaffiliation must be vested in the Senate and the provisions about reference to Government and final decision vesting in Government must be removed. The decision of the Select Committee is inconsistent. The power of affiliation is given to the Senate but in the case of disaffiliation, Government-approval is retained. This defect, I hope, will be removed at the time of the second reading. At the same time, no additional powers should be given to the Syndicate about curtailment of affiliation or disaffiliation but those important matters must remain solely in the hands of the Senate.

(Signed) JETHALAL CHIMANLAL SWAMINARAYAN.

9th September 1927.

### **BILL No. XXI OF 1927**

*An Act to amend the law relating to the University of Bombay*

**(As amended by the Select Committee)**

WHEREAS by Act XXII of 1857 a University was established and incorporated at Bombay :

And whereas the law relating to the said university was amended by VIII of 1904, the Indian Universities Act, 1904 ;

And whereas it is necessary to reconstitute the said University to enable it to provide greater facilities for higher education and to



[Appendix 2—*contd.*]

conduct post-graduate teaching and research in all branches of learning, including technology, while continuing to exercise due control over the teaching given by colleges affiliated to it from time to time; *And whereas the previous sanction of the Governor General required by section 80A (3) of 5 and 6 Geo. the Government of India Act has been obtained for the passing of this Act; V, c. 61.* It is hereby enacted as follows:

# CHAPTER I.—PRELIMINARY

1. *Short title.*— This Act may be called the Bombay University Act, 192 .
2. *Commencement* ~~Subject to the provisions of " Chapter XIII of Mad. VII of 1923, s. 1.~~ *"Transitory Provisions", this Act shall come into force at once. This Act shall come into operation on such date as Government may, by notification in the " Bombay Government Gazette," appoint in this behalf.*
3. *Interpretation.*— In this Act, unless there is anything repugnant *Cf. VIII of 1904, s. 2. Mad. VII of 1923, s. 2.* in the subject or context
  - (a) " College " means an affiliated college ;
  - (b) " Fellow " *means an ex-officio* Fellow or an ordinary Fellow of the University appointed under the provisions of this Act but does not include an Honorary Fellow ;
  - (c) " Head Master " means the head of a High School registered by the University ;
  - (d) " Prescribed " means prescribed by the Act or by any Statutes, Ordinances or Regulations made thereunder ;
  - (e) " Principal " means the head of a college ;
  - (f) " Registered Graduate " means a graduate registered under the provisions of this Act or of the Indian Universities Act, 1904 ;
  - (g) " Statutes," " Ordinances " and " Regulations " mean respectively the Statutes, Ordinances, and Regulations of the University made or *deemed to have been made* under this Act and for the time being in force ;
  - (h) " Teacher " ~~includes~~ *means* such Professor, Reader, Lecturer and ~~such~~ person giving instruction in any college as may be declared by the Statutes to be a teachers ;
  - (i) " University " means the University of Bombay as reconstituted under this Act ;
  - (j) " University Department " means any collegiate institution or post-graduate or research department maintained by the University ;
  - (k) " University Professor " means a person appointed as such by the University ; and
  - (l) " University Teacher " means a person appointed by the University to give instruction on its behalf.

[Appendix 2—*contd.*]

## CHAPTER II.—THE UNIVERSITY

*Cf.* VIII of  
1904, s. 3.  
*U. P.* III of  
1921, s. 5.

4. *Incorporation and powers of the University.*—(1) The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power to appoint University Professors and University teachers, to hold and manage educational endowments, to erect, equip and maintain University laboratories and museums, to make regulations relating to the residence and conduct of students, to lay down courses of instruction for the various examinations, to guide the teaching in colleges, to inspect colleges and to take measures to ensure that proper standards of teaching are maintained in them, to hold examinations, to confer degrees, to undertake post-graduate teaching and to promote research, and to do all acts, not inconsistent with this Act, which tend to the promotion of study and research.

*Cf.* *Mad.*  
*XXII* of  
1867, s. 1.

(2) The Chancellor, Vice-Chancellor, the Rector (if any), the Fellows and all persons who may hereafter become or be appointed or elected to be Chancellor, Vice-Chancellor, Rector or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, Rector or Fellows, are hereby constituted and declared to be one Body Corporate by the name of the University of Bombay; and such Body Corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

*Cf.* *XXII* of  
1875, s. 2.

(3) The University shall be competent to acquire and hold property, both moveable and immoveable to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it for the purposes of the University and to contract and do all other things necessary for the purposes of this Act.

5. *The Visitor*—(1) *The Governor-General shall be the Visitor of the University.*

(2) *The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries museums, workshops and equipment and of any institutions maintained by or affiliated to the University and also of the teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Visitor shall in every case give notice to the University of his intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.*

(3) *The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Senate and to the Syndicate the views of the Visitor and may, after ascertaining the opinions of the Senate and Syndicate thereon, advise the University upon the action to be taken.*

(4) *The Syndicate shall, within such time as the Chancellor may fix, report to him for communication to the Visitor such action, if any, as is proposed to be or has been taken upon such advice. The report shall be accompanied by the opinion of the Senate thereon.*

[Appendix 2—*contd.*]

(5) *The Chancellor may where action has not been taken by the University within a reasonable time to his satisfaction, after considering any explanation furnished or representation made by the Senate or the Syndicate, issue such directions as he may think fit and the University shall comply with such directions.*

5. 6. *Religious and other tests.*—No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious belief or profession in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein or to graduate thereat or to enjoy or exercise any privileges thereof except where in respect of any particular benefaction accepted by the University such test is made a condition thereof. *Cf. Mad. VII of 1923, s. 5 (1).*

6. 7. *Authorities of the University.* The following shall be the authorities of the University : *Cf. Mad. VII of 1923, s. 13.*

- (1) The Senate,
- (2) The Faculties,
- (3) The Syndicate,
- (4) The Academic Council,
- (5) ~~The School Leaving Examination Board,~~
- (5) *The Board of Post-graduate Studies.*

(6) Such other bodies as the Senate may declare by Statutes to be authorities of the University.

### CHAPTER III. THE SENATE. ITS POWERS, CONSTITUTION AND DUTIES

7. 8. *Constitution of the Senate.* The Senate shall consist of *Cf. VIII of 1904, s. 4 (1).*

- (a) ~~The Chancellor,~~
- (b) ~~The Vice-Chancellor,~~
- (c) ~~The Rector (if any), and~~
- (d) the Fellows of the University (*ex-officio* and ordinary).

8. 9. *The Chancellor.*—(1) The Governor of Bombay for the time being, shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University. *Cf. XXII of 1857, s. 4. Mad. VII of 1923, s. 9.*

(2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

9. 10. *The Vice-Chancellor.*—The Chancellor shall appoint a Vice-Chancellor who shall, save as herein otherwise provided, hold office for two years and shall be eligible for reappointment. *Cf. XXII of 1857, s. 5.*

[Appendix 2—contd.]

10. 11. *Powers of the Vice-Chancellor.*—The Vice-Chancellor shall be responsible for the proper administration of the University and shall

(a) in the absence of the Chancellor, preside at the convocation and meetings of the Senate ;

(b) convene the Senate ;

(c) *preside when present at the meetings of the Syndicate and exercise such other powers as may be conferred on him by this Act, and the Statutes, Ordinances and Regulations.*

11. 12. *The Rector.*—(1) The Senate may ~~by statute~~, create the office of the Rector *by a statute to be framed by a majority of at least three-fourths of the whole number of Fellows.*

(2) The Rector shall be a whole-time salaried officer of the University. He shall, subject to the approval of the Government, be appointed by the Senate and shall have rank and precedence next after the Chancellor and the Vice-Chancellor.

(3) The Senate may, subject to the provisions of this Act, frame Statutes prescribing the manner of appointment of the Rector, the salary and conditions of his office and his powers and duties.

12. 13. *Fellows.*—(1) The Fellows of the University shall be—

#### I. *Ex-officio.*

(A) (i) The Chancellor.

(ii) The Vice-Chancellor.

(iii) The Rector (if any),

(iv) *The Registrar of the University.*

(B) (i) The Chief Justice of Bombay.

(ii) The Minister of Education, Bombay,

(iii) The Director of Public Instruction, Bombay,

(iv) The Surgeon General with the Government of Bombay.

(v) The Director of Agriculture, Bombay,

(vi) ~~The Chief Engineer with the Government of Bombay and Secretary to the Government of Bombay,~~ Public Works Department,

(vii) ~~The Registrar of the University,~~

(viii) Vice-Chancellor of other Universities, if any, *established by law* in the Bombay Presidency, and holders of such other offices as are prescribed by Statutes: provided that the number of such Fellows shall not exceed five.

~~C Principals of all Colleges permitted to send up candidates for degree examination.~~

(D) (C) All ~~University Professors~~ *Heads of University Departments.*

[Appendix 2—contd.]

II. Ordinary.

(A) Elected as prescribed below :—

(i) By University teachers and teachers ...	5
(ii) By Head Masters ...	5
(iii) By public associations or bodies as under ...	11
(a) Municipal Corporation of the City of Bombay ...	1
(b) Indian Merchants' Chamber, Bombay ...	1
(c) Bombay Chamber of Commerce ...	1
(d) City Municipalities of Northern Division and Bombay Suburban Division ...	1
(e) City Municipalities of Central Division ...	1
(f) City Municipalities of Southern Division ...	1
(g) City Municipalities of Sind ...	1
(h) District Local Boards of Northern Division and Bombay Suburban Division ...	1
(i) District Local Boards of Central Division ...	1
(j) District Local Boards of Southern Division ...	1
(k) District Local Boards of Sind ...	1
(iv) By Registered Graduates ...	25
(v) By the Faculties ...	10
(vi) By the Legislative Council of the Governor of Bombay ...	5

II. Ordinary

(A) Elected as prescribed below :—

(i) By one electorate of principals of colleges entitled to send up students for degree examination from among themselves as under :—	13
(a) Principals of arts colleges including at least one principal of a college in each group as hereinafter defined ..	8
(b) Principals of colleges of pure science ..	1
(c) Principals of colleges of medicine ..	1
(d) Principals of colleges of agriculture ..	1
(e) Principals of colleges of engineering ..	1
(f) Principals of colleges of law ..	1
(ii) By University teachers and teachers from among themselves	10
(iii) One by head masters of schools in each group from among themselves ..	5
(iv) By public associations or bodies in British India as under : ..	15
(a) Municipal Corporation of the City of Bombay ..	1
(b) Indian Merchants' Chamber ..	1
(c) Chamber of Commerce ..	1
(d) Millowners' Association, Bombay ..	1
(e) Millowners' Association, Ahmedabad ..	1
(f) City municipalities of the Gujarat Group ..	1
(g) City municipalities of the Deccan Group ..	1
(h) City municipalities of the Karnatak Group ..	1
(i) City municipalities of the Konkan Group (except Bombay City) ..	1

## [Appendix 2—contd.]

(j) City municipalities of the Sind Group	..	..	1
(k) District local boards of the Gujarat Group	..	..	1
(l) District local boards of the Deccan Group	..	..	1
(m) District local boards of the Karnatak Group	..	..	1
(n) District local boards of the Konkan Group	..	..	1
(o) District local boards of the Sind Group	..	..	1
(v) By registered graduates	..	..	25
(vi) By the Faculties	..	..	10
(vii) Five by the Legislative Council of the Governor of Bombay, of whom one shall be the representative of the University on the Council if he is not already a member of the Senate..			5

*Explanation.*—For the purposes of this section the Schools and Colleges in the Bombay Presidency (excluding Aden) shall be divided into the following groups :—

Name of group	Territorial extent of the group		
1. Gujarat group	..	.	Ahmedabad, Surat, Panch Mahals, Kaira and Broach districts.
2. Konkan group	..	.	.. The City of Bombay and the Nasik, Thana, Bombay Suburban, Ratnagiri and Kolaba districts.
3. Deccan group	..	..	.. Poona, Satara, Sholapur, Ahmednagar, West-Khandesh and East-Khandesh districts.
4. Karnatak group	..	.	.. Belgaum, Dharwar, Bijapur and Kanara districts.
5. Sind	..	..	.. Province of Sind.

The Senate shall, by statute, determine to which of the groups above-mentioned schools and colleges in Indian States shall be attached.

(B) Nominated by the Chancellor .. .. . 40

(C) Donors to, or for the purposes of, the University of money or property to the value of not less than one lakh of rupees, if willing to serve, to be subject to the provisions of sections 14, 15 and 17 Fellows for life.

(D) One nominee of each of the bodies giving a donation to, or for the purposes of, the University of money or property to the value of not less than one lakh of rupees : provided that the right of making any such nomination and, subject also to the provisions of sections 13, 14, 15, 16 and 17, the tenure of any such nominee shall not extend beyond a period of twenty years from the date of the acceptance by the University of any such donation.

*Explanation.*—For the purposes of this section the value of any property offered as a donation to the University shall mean the market value of such property on the date of acceptance of the donation by the Senate.

[Appendix 2—*contd.*]

(2) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or University teacher or Head-master or a teacher the question shall be decided by the Vice-Chancellor.

13. 14. *Office vacated by leaving India.*—(1) If any person being Cf. XXII of Chancellor, Vice-Chancellor, or Fellow of the said University shall leave 1857, s. 2. India without the intention of returning thereto, his office shall thereupon become vacant.

(2) If the Vice-Chancellor is temporarily absent from India the Chancellor may appoint another person to act as Vice-Chancellor during the absence of the absent Vice-Chancellor.

14. 15. *Vacating of office.* (1) Any Ordinary Fellow may, by letter Cf. VIII of addressed to the Chancellor, resign his office and on the acceptance of 1904, s. 11. the resignation the office shall become vacant.

(2) If for a period of twelve consecutive months any ordinary Fellow *except a fellow for life*, has not attended a meeting of the Senate, other than a convocation the Chancellor may declare his office to be vacant.

15. 16. *Term of office of ordinary Fellows.* (1) The Ordinary Fellows Cf. VIII of shall save as herein otherwise provided, hold office for five years. 1904, s. 4 (2).

(2) An Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.

16. 17. *The appointment of a Fellow may be cancelled.*—The Local Cf. XXII of Government may, on the recommendation of the Senate supported by 1857, s. 7. at least two-thirds of the *whole number of* Fellows, cancel the appointment of any person appointed or elected a Fellow of the University. As soon as such order is notified in the *Bombay Government Gazette*, the person so appointed or elected shall cease to be a Fellow ; ~~and he shall not be eligible for reappointment or reelection until the disqualification has been removed by the Local Government by a notification in the Bombay Government Gazette.~~

17. 18. *Powers of the Senate.*—(1) The Senate shall be the supreme Cf. Mad. VII governing body of the University and shall exercise all powers of 1923, ss. 15 and 16 ; and perform all duties conferred or imposed on it by or under this Act as well as all powers of the University not mentioned provided for U. P. III of 1921, s. 19. in this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Senate may—

(a) *save as provided in section 44* make, amend, or repeal Statutes and accept, reject or refer back but not amend draft Statutes submitted by the Syndicate ;

(b) *Subject to the provisions of this Act* consider and cancel or refer back but not amend ordinances of the Syndicate and regulations of the Academic Council, ~~and decisions of other University authorities ;~~

[Appendix 2—*contd.*]

(c) consider and pass resolutions on the Annual Report, Accounts and Estimates ;

(d) consider the Annual Financial Statement placed before it by the Syndicate and pass it with such modifications as the Senate may think fit ;

(e) ~~make provision for postgraduate instruction and research ;~~

(e) *make provision for the physical and military training of students ;*

(f) institute and maintain professorships and other teaching posts, University Departments and hostels, found scholarships and prizes, and encourage the pursuit of learning by other means ;

(g) grant and confer degrees ;

(h) ~~with the approval of the Government fix, demand and receive such fees for the degrees to be conferred by it and upon admission into the University and for continuance therein and for other purposes of a like nature as may be prescribed by Statutes ;~~

(i) (h) elect office bearers and authorities provided in this Act and Statutes ;

(j) (i) accept donations and endowments , and, if the interests of the University so require, give up any donation or endowment it has accepted ;

(k) (j) consider and decide appeals in cases where such appeal is provided for in the Statutes :

(l) (k) delegate any of its powers to such authority or authorities as it may deem fit ; and

(m) (l) generally do all such other acts and things as may be necessary or desirable to further the objects of the University.

## CHAPTER IV.—FACULTIES

*Cf.* VIII of 1904, s. 14. 18. 19. (1) The University shall include such Faculties as are constituted by the Senate by Statutes from time to time.

*Mad.* VII of 1923, s. 25. (2) The Senate shall frame Statutes prescribing the constitution and functions of each Faculty.

*U. P.* III of 1921, s. 24. (3) ~~Every member of the Senate shall~~ A fellow may be assigned on the recommendation of the Syndicate, to one or more Faculties.

(4) The Syndicate shall frame Ordinances governing the conduct of business of each Faculty and the appointment by each Faculty of its Chairman (to be called the Dean).

(5) The Senate may empower any Faculty to co-opt *as members to serve on Boards of Studies controlled by it* persons who possess special knowledge of the subjects of study represented by the Faculty, but who are not Fellows, in such manner and for such period as may be prescribed by the Syndicate by ordinance :

Provided that the number of persons so co-opted by any Faculty shall not exceed half the number of ~~members~~ fellows assigned to that Faculty.



[Appendix 2—*contd.*]

CHAPTER V.—THE SYNDICATE

19. 20. *The Syndicate.*—(1) The executive government of the University shall be vested in the Syndicate, ~~which shall consist of~~ *Cf. VIII of 1904, s. 15. Mad. VII of 1923, s. 18.*  
constituted as follows from among the fellows :

- (a) ~~the Rector, or if there be no Rector, the Vice-Chancellor ;~~
- (b) ~~the Rector, if any ;~~
- (c) the Director of Public Instruction, Bombay ;
- (e) ~~seven persons elected by the Faculties from among the Principals, University Professors, University Teachers, and teachers ;~~
- (d) ~~nine persons, including at least one Head Master, to be elected by the Senate from among the Fellows ;~~
- (d) *seven persons elected by the members of the Academic Council from among themselves, provided that each faculty shall be represented by at least one member ;*
- (e) *nine persons to be elected by the Senate from among the Fellows who are neither Principals, University Professors, University Teachers, Teachers nor Head-Masters.*

~~Provided that of the Syndics elected under clauses (e) and (d) not less than three and not more than six shall be members of the Academic Council.~~

(2) *Every member of the Syndicate shall hold office for three years, or until he ceases to be a fellow whichever period is shorter.*

(2) (3) The Senate shall frame Statutes prescribing the manner of election of elected *members of the Syndicate* and the conditions governing their term of office.

(3) (4) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or a University Teacher or teacher *or head-masters*, the question shall be decided by the Vice-Chancellor.

20. 21. *Powers and duties of the Syndicate.*— The Syndicate shall *Cf. Mad. VII of 1923, ss. 19-21.*  
have power—

- (a) to direct the form, custody and use of the common seal of the University ;
- (b) subject to the powers conferred by this Act on the Senate, the Vice-Chancellor and the Rector (if any), to regulate and determine all matters concerning the University in accordance with the provisions of this Act, the Statutes and the Ordinances ; ~~provided that no action shall be taken by the Syndicate in respect of the fees paid to examiners and the member, qualifications and emoluments of teachers, otherwise than after consideration of the recommendations of the Academic Council ;~~
- (c) to accept, reject, return to the Academic Council for reconsideration, but not amend regulations ~~laying down courses of study~~ framed by the Academic Council ;

[Appendix 2—*contd.*]

(d) to frame the budget of the University for the consideration of the Senate ;

(e) to administer the funds and property of the University :

(f) save as otherwise provided by this Act or the Statutes, to appoint on the recommendation of a committee of selection if any as required by the Act or Statutes the officers (other than the Chancellor ; the Vice-Chancellor and the Rector), University Professors, University Teachers and servants of the University, to define their duties and the conditions of their service, and to provide for the filling of temporary vacancies in their posts ;

(g) to accept, subject to the direction of the Senate, transfer of any moveable or immoveable property on behalf of the University ;

(h) to arrange for and direct the inspection of colleges and hostels, and to issue instructions for maintaining the efficiency of the Colleges, and in case of disregard of such instructions, to recommend modification, of the conditions of affiliation and to take such other steps as it deems proper ;

(i) to call for reports, returns and other information from the Colleges ;

(i) (j) to appoint examiners, ~~after consideration of the recommendations of the Academic Council~~, and to make ordinances for the conduct of University examinations ;

(j) (k) to publish the results of the University examinations and other tests ;

(k) (l) to control the University library and to appoint a library committee : provided that at least half the members of the Committee shall be appointed from the Academic Council ;

~~(l) to appoint Boards of Postgraduate studies ;~~

(m) to provide for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University ;

(n) to enter into, vary, carry out, and cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by the Act and the Statutes ;

(m) (o) to make, amend and cancel ordinances ; and

(p) to fix, demand and receive such fees for the degrees to be conferred by it and upon admission into the University and for continuance therein and for other purposes of a like nature as may be prescribed by Statutes ;

(q) to make provision for post-graduate instruction and research ;

(n) (r) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes :

*Provided that the Syndicate shall not arrive at any decision in regard to matters referred to in clauses (b) and (j) without inviting and receiving a report thereon from the Academic Council.*

[Appendix 2—*contd.*]

CHAPTER VI.—THE ACADEMIC COUNCIL

21. 22. *Constitution of the Academic Council.*—The Academic Council shall consist of the following members, all of whom need not be Fellows:—

(i) The Rector, if any, *otherwise the Vice-Chancellor* ;

(ii) Deans of Faculties ;

(iii) such number of representatives *not exceeding five* of the ~~Principals~~, University Professors and *whole-time* University teachers, as may be determined by Senate by Statute ;

(iv) two Headmasters to be elected by the Senate from among the Fellows ;

~~(v) such number of persons not exceeding fifteen as may be determined by the Senate by Statute, to be elected by the Faculties ; provided that each Faculty shall have at least one representative ; and~~

(v) *twenty representatives of the Boards of Studies or groups of Boards of allied Studies as may be determined by Statute ; and*

(vi) five persons elected by the Senate from among Fellows ~~who are not eligible for election under clauses (iii) and (iv).~~

22. 23. *Election of the Academic Council.*—(1) The Senate shall frame a Statute prescribing the manner of election of the elected members of the Academic Council, and the conditions governing their term of office.

(2) If in the case of any election the question is raised whether any person is or is not a ~~Principal or a University Professor or a whole-time~~ teacher or head-master, the question shall be decided by the Vice-Chancellor. Cf. VIII of 1904, s. 15 (3).

23. 24. *Powers of the Academic Council.*—(1) ~~The Rector, if any, shall be the Chairman of the Academic Council. If there is no Rector, The Academic Council shall elect its own Chairman consistently with the provisions of the Act.~~

(2) The Academic Council shall frame regulations as provided in this Act and shall have the following powers : --

(a) to regulate teaching and examinations within the University ;

(b) to *determine and* maintain the standards of examinations, remaining responsible for the maintenance of such standards ;

(c) to make regulations laying down courses of study subject to the approval of the Syndicate ;

(d) to propose to the Syndicate institution of new University teaching appointments, their duties and emoluments ;

(e) to propose to the Syndicate schemes for the constitution of University Departments, Faculties and Boards of Studies ;

(f) to make regulations for the award of University scholarships and prizes ;

(g) to recommend to the Syndicate appointment of examiners ;

[Appendix 2—*contd.*]

- (h) to make regulations prescribing equivalence of examinations ;
- (i) to arrange for co-ordination of studies and inter-collegiate lectures ; and
- (j) to make regulations prescribing the conditions to be complied with by candidates, not being students of any College for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University ;
- (k) to exercise such other powers as may be conferred on it by statutes ;
- (j) (l) generally to advise the University on all academic matters.

#### ~~CHAPTER VII.—The School Leaving Examination Board~~ *The Board of Post-graduate Studies*

~~24. (1) The Senate shall constitute a School Leaving Examination Board of twelve members.~~

~~(2) The School Leaving Examination Board shall conduct the School Leaving Examination and shall lay down the syllabuses showing the nature of the examination in each subject, subject to the approval of the Syndicate. The Senate shall make Statutes for the constitution, functions and powers of the Board and generally with regard to all such other matters as may be considered necessary for the proper working of the Board.~~

25. *The Board of Post-graduate Studies.*—(1) *The Board of Post-graduate Studies shall consist of :*

- (1) *The Vice-Chancellor so long as there is no Rector ;*
- (2) *four members appointed by the Syndicate ;*
- (3) *four members appointed by the Academic Council one of whom shall be a University Professor.*

(2) *The Board shall subject to the Act, and Statutes, Ordinances and Regulations framed thereunder control and co-ordinate post-graduate teaching and research in the University Departments and the Colleges and shall recommend to the Syndicate what teachers in the Colleges shall be recognised as University teachers for post-graduate instruction and research.*

#### CHAPTER VIII.—OTHER UNIVERSITY BODIES

*Cf. Mad. VII of 1923, s. 26.* 25. 26. *Boards of Studies.*—(1) The Senate may, from time to time, frame Statutes constituting Boards of Studies, defining their functions, and attaching each Board to one or more Faculties.

(2) The Senate may abolish any Board of Study so constituted.

*Cf. Mad. VII of 1923, s. 26.* 26. 27. *Other bodies.*—The Senate may by Statutes constitute and define the functions of such other bodies as it may from time to time deem necessary for the purpose of carrying out the work of the University, and may abolish any of the bodies so constituted.

[Appendix 2—contd.]

28. *Committee of Selection.*—(1) Whenever it is necessary to appoint a whole-time University Professor or University teacher, a Committee of Selection shall be formed.

(2) The members of the Committee shall be :

(a) The Vice-Chancellor (Chairman),

(b) Four persons having special knowledge of the subject, to be selected as follows :—

(1) One, who shall be a member of a Faculty of the University ;  
\_\_\_\_\_ by the Academic Council.

(2) Three, who shall not be Fellows, Members of Faculties, University Professors, University Teachers, or Teachers\_\_\_\_\_ one by the Academic Council, and two by the Syndicate.

(3) The Committee shall investigate the merits of the various candidates, and shall report to the Syndicate the names, arranged in order of merit, of persons, if any, whom it considers to be suitable for the vacant post.

(4) The Syndicate shall make the final selection out of the persons, if any, so recommended.

CHAPTER IX.—DEGREES

27. 29. *Degrees, diplomas, licenses, titles and marks of honour.*—The Senate may institute and confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by Statutes. Cf. VIII of 1904, s 16

28. 30. *Honorary Degree.*—If ~~the Vice-Chancellor~~ and not less than two-thirds of the ~~other~~ members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination. Cf. VIII of 1904, s. 17

29. 31. *Cancellation of degrees and the like and their restoration.*—(1) Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour has been conferred by the Senate or who is an Honorary Fellow, has been convicted of what is, in the opinion of the Syndicate, a serious offence, the Syndicate may after giving the person concerned an opportunity to explain propose to the Senate, that the degree, diploma, license, title or mark of honour or Honorary Fellowship be cancelled, and, if the proposal is accepted by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the degree, diploma, license, title, mark of honour or Honorary Fellowship shall be cancelled accordingly. Cf. VIII of 1904, s. 16  
Mad. VII of 1923, s. 40  
U. P. III of 1921, s. 41

(2) The degree, diploma, license, title, or mark of honour may subsequently be restored on good cause shown.

[Appendix 2—*contd.*]

(3) *The procedure for the restoration of a degree, diploma, license, title, or mark of honour, shall, as far as is practicable, be as in sub-section (1) of this section.*

39. 32. *Annual Accounts.*—(1) The fees charged by the Senate shall be carried to one General Fee Fund for the payment of expenses of the University ~~under the direction and regulation of the Government of Bombay.~~

(2) The accounts of income and expenditure of the University shall, once in every year, be submitted to the Government of Bombay for such examination and audit as the Government may direct.

#### CHAPTER X.—STATUTES, ORDINANCES AND REGULATIONS

f. VIII of 31. 33. (1) The Senate may, from time to time, make Statutes not  
1904, s. 25. inconsistent with this Act, for all matters relating to the University.  
ad. VII of  
1923, s. 29. (2) In particular, and without prejudice to the generality of the fore-  
P. III of going power, such Statutes may provide for—  
1921, s. 30.

(a) the declaration of any person to be a teacher under section 3 (h) ;

(b) the declaration of other bodies to be authorities of the University as provided in section 47 (6) ;

(c) the manner of election of the elected Fellows and the elected members of the Syndicate and the Academic Council and the term and conditions of their office, the maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate, the Syndicate and the Academic Council ;

(d) the powers of the Vice-Chancellor ;

(e) the appointment, conditions of office, powers and duties of the Rector, if any, and the Registrar and of the officers and servants of the University ;

(f) the prescribing of offices the holders of which shall be *ex-officio* Fellows under section (42) 13 (1) (B) (viii) (vi) ;

(g) the constitution, reconstitution or abolition of Faculties, ~~and the functions of each Faculty ;~~

(h) the procedure at meetings of the Senate, the Syndicate, the Academic Council and the Faculties and the quorum of members to be required for the transaction of business ;

(i) the duties of the Academic Council ;

(j) the constitution and powers of Boards of Studies ; the functions of each such Board, the procedure of such boards and the quorum of members to be required for the transaction of business, and the attaching of each Board to one or more Faculties ;

(k) ~~the constitution, powers and duties of the School Leaving Examination Board, otherwise than as provided in this Act, and the procedure to be followed in the election of members of that Board ;~~

[Appendix 2—*contd.*]

(k) the holding and control of the matriculation examination ;

(l) the constitution, powers and duties of the authorities of the University save as provided in this Act ;

(m) the institution and conferment of degrees and the granting of diplomas, licenses, titles and marks of honour in respect of degrees and examinations ;

~~(n) the fees to be paid in respect of the courses of instruction given by University Professors and University teachers and for the degrees to be conferred by the Senate and upon admission into the University and for continuance therein and for other purposes of a like nature ;~~

~~(o) (n) the registers of graduates and students to be kept by the University ; and the fee (if any) to be paid for the entry or retention of a name on any such register ;~~

~~(p) the inspection of Colleges and the reports, - returns and other information to be furnished by Colleges ;~~

~~(q) the registers of students to be kept by Colleges ;~~

~~(r) the rules to be observed and enforced by Colleges in respect of the transfer of students ;~~

~~(s) the conditions to be complied with by candidates not being students of any College for degrees, - diplomas, - licenses, - titles, marks of honour, scholarships and prizes conferred or granted by the University.~~

~~(t) the appointment and duties of University Professors and University Teachers and the regulation of post-graduate studies and research ;~~

~~(u) the mode of execution of contracts or agreements for or on behalf of the University ;~~

~~(v) the alteration or cancellation of any rule, regulation, Statute or by law of the University in force at the commencement of this Act ;~~

~~(w) (o) the institution of pension or provident fund for the benefit of the officers, teachers and other servants of the University ;~~

~~(x) (p) all matters which by this Act may be prescribed by the Statutes ; and~~

~~(y) (q) generally, all matters relating to the University for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Senate, necessary.~~

~~32. 34. Framing and operation of Statutes.—(1) The first Statutes under this Act shall be framed by the Syndicate within six months after the Senate is constituted under this Act.~~

~~If the Syndicate fails to frame the Statutes within the period mentioned the Government may frame such Statutes and the Statutes so framed by Government shall have effect as if they had been framed by the Syndicate under the last preceding paragraph.~~

[Appendix 2—*contd.*]

(2) (1) The Statutes may be amended, repealed, or added to, by Statutes made by the Senate in the manner hereinafter provided.

(3) (2) All Statutes framed by the Senate, from time to time, shall be submitted for sanction to the Chancellor and they shall not come into operation until the Chancellor has accorded his sanction thereto.

(4) (3) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.

(5) (4) The Senate before passing a Statute taken into consideration of its own motion and affecting the powers or duties of any officer or authority of the University shall ascertain and consider the views of the officer or authority concerned and of the Syndicate thereon.

33. 35. *Ordinances how made.*—(1) Subject to the provisions of this Act and the Statutes, the Syndicate may frame Ordinances to provide for all or any of the following matters, namely :—

(a) the admission of students to the University ;

(b) the courses of study to be laid down for all degrees and diplomas of the University ;

(c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University, and be eligible for degrees, diplomas, licenses, titles and marks of honour ; and the form of the certificate to be produced by a candidate for examination under section 35 37 and the conditions on which any such certificate may be granted ;

(d) the recognition of colleges and hostels ;

(e) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the ~~School Leaving~~ *Matriculation* Examination and the conditions to be complied with by candidates for the ~~School Leaving~~ *Matriculation* Examination whether sent up by recognised schools or not ;

(f) the residence and conduct of students ;

(g) the number, qualifications and ~~emoluments~~ *conditions of appointment of teachers of the University Professors and University Teachers ;*

~~(h) the fees to be charged for courses of teaching in the University given by teachers of the University, for tutorial and supplementary instruction given by the University, for admission to the examinations, degrees and diplomas of the University and for the registration of the graduates ;~~

*(h) the fees to be charged for courses of instruction in the University given by University professors and University teachers, for tutorial and supplementary instruction given by the University, upon admission into the University and for continuance therein, for admission to the examinations, degrees and diplomas of the University, for the registration of graduates and for other purposes of a like nature.*

(i) the conditions of appointment, the mode of appointment and the duties of examiners ;



[Appendix 2—contd.]

- (j) the conduct of examinations ;
- (k) the conduct of business of each Faculty and the appointment of the Dean of each Faculty ;
- (l) *the duties and powers of the Boards and committees to be appointed by the University jointly with any other University or body ;*
- (m) *the discipline to be enforced in regard to the graduates and undergraduates in so far as they come within the jurisdiction of the University for purposes of study and examination ;*
- (n) *the extension of University teaching in any suitable centre within the Presidency by means of University Extension Lectures or otherwise ;*
- (o) *the rules to be observed and enforced by Colleges in respect of transfer of students ;*
- (p) *the functions of each Faculty ;*
- (q) *the fee (if any) to be paid for the entry or retention of a name on any register ;*
- (r) *the inspection of Colleges and the reports, returns and other information to be furnished by Colleges ;*
- (s) *the registers of students to be kept by Colleges ;*
- (t) *the appointment and duties of University Professors and University Teachers ;*
- (u) *the mode of execution of contracts or agreements for or on behalf of the University ;*
- (v) (1) generally, all matters which by this Act or by the Statutes, may be provided for by the Ordinances and all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred, or the performance of the duties imposed on the Syndicate by this Act or the Statutes.

Provided that ~~the Syndicate shall consult the Academic Council before making Ordinances—~~

- ~~(i) affecting the appointment and duties of examiners, or the conduct or standard of examinations or any course of study ; or~~
- ~~(ii) affecting the conditions of residence of students.~~

*the Syndicate shall not arrive at any decision in regard to matters referred to in clauses (b), (c), (d), (g), (i), (j), (n) and (o) without inviting and receiving a report thereon from the Academic Council.*

(2) All Ordinances made by the Syndicate shall, except as otherwise provided by this Act, have effect from such date as it may direct ; but every Ordinance so made shall be ~~submitted~~ *laid on the table of the Senate* as soon as may be ~~to the Senate~~. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at the meeting, to cancel ~~any~~ or refer for reconsideration any such Ordinance.

(3) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any

[Appendix 2—*contd.*]

such ordinance until the Senate has considered it as provided in sub-section (2).

*Cf. Mad. VII  
of 1923,  
s. 33.*

34. 36. *Regulations how made.*—(1) The Academic Council may make Regulations consistent with this Act and the Statutes and Ordinances to carry out the duties assigned to it thereunder *and shall submit them to the Syndicate for approval.*

(2) All Regulations ~~when approved made by the Academic Council~~ shall, except as otherwise provided by this Act, have effect from such date as the Academic Council may direct; but every Regulation so made shall be ~~submitted~~ *placed on the table of the Senate* as soon as may be, ~~to the Senate~~ and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel ~~very~~ or refer for reconsideration any such Regulation.

(3) *if the Syndicate does not approve of a Regulation the Regulation shall, on a requisition by at least five members of the Syndicate, be referred to the Senate who shall thereupon have all the powers of the Syndicate in this connection. If the Regulation is accepted by the Senate the provisions of sub-section (2) shall not apply to it.*

(3) (4) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such regulation until the Senate has considered it as provided in sub-section (2).

## CHAPTER XI—AFFILIATED COLLEGES

*Cf. VIII of  
1904, s. 19.*

35. 37. *Certificates required of candidates for examination.*—Save on the recommendation of the Syndicate, by special order of the Senate, and subject to any Statutes and Ordinances made in this behalf, no person shall be admitted as a candidate at any University examination other than an examination for matriculation, unless he produces a certificate from a College to the effect that he has completed the course of instruction prescribed.

*Cf. VIII of  
1904, s. 20.*

36. 38. *Existing Colleges.*—Any College affiliated to the University before the passing of this Act may continue to exercise the rights conferred upon it by such affiliation, save in so far as such rights may be withdrawn, ~~or~~ *restricted or modified* in the exercise of any power conferred by this Act.

*Cf. VIII of  
1904, s. 21.*

37. 39. *Affiliation.*—(1) A College applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate and the Academic Council—

(a) that the College is to be under the management of a regularly constituted governing body;

(b) that the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction to be undertaken by the College;

(c) that the buildings in which the College is to be located are suitable, and that provision will be made, in conformity with the Statutes

[Appendix 2—*contd.*]

and Ordinances, for the residence in the College or in lodgings approved by the College, of students not residing with their parents or guardians, and for the supervision and physical welfare of students ;

(d) that due provision has been or will be made for a library ;

(e) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum ;

(f) that due provision will, so far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the College or the place provided for the residence of students ;

(g) that the financial resources of the College are such as to make due provision for its continued maintenance ; and

~~(h) that the affiliation of the College, having regard to the provision made for students by other Colleges in the same neighbourhood, will not be injurious to the interests of education or discipline ; and~~

(h) that the College rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing College in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the College is affiliated any transference of management and all changes in the teaching staff shall be forthwith reported to the Syndicate.

(2) On receipt of a letter of application under sub-section (1), the Syndicate shall—

(a) direct a local inquiry to be made by a competent person authorised by the Syndicate in this behalf ;

(b) make such further inquiry as may appear to them to be necessary ; and

(c) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (a) and (b).

And the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, ~~record their opinion on the matter.~~

~~(3) The Registrar shall submit the application and all proceedings, if any of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such further inquiry as may appear to them to be necessary, shall grant or refuse the application or any part thereof.~~

(4) (3) Where the application or any part thereof is granted, the ~~order of the Government~~ *decision of the Senate* shall specify the courses of instruction in respect of which the College is affiliated ; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

[Appendix 2—*contd.*]

5. (4) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (2).

*Cf. VII of 1904, s. 22.* 38. 40. *Extension of affiliation.*—Where a College desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 37 39 shall, so far as may be, be followed.

*Cf. VIII of 1904, s. 23.* 39 41. *Inspection and reports.*—(1) Every College affiliated to the University, whether before or after the commencement of this Act, shall furnish such reports, returns and other information as the Syndicate, after consulting the Academic Council, may require to enable it to judge of the efficiency of the College.

(2) The Syndicate shall cause every such College to be inspected from time to time by one or more competent persons authorised by the Syndicate in this behalf.

(3) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in sub-section (1) of section 37 39.

*Cf. VIII of 1904, s. 24.* 40. 42. *Disaffiliation.*—(1) A member of the Syndicate who intends to move that the rights conferred on any College by affiliation be withdrawn in whole or in part, or *modified*, shall give notice of his motion and shall state in writing the grounds on which the motion is made.

(2) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (1) to the Principal concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the College will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(3) On receipt of the representation or on expiration of the period referred to in sub-section (2), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, and after consulting the Academic Council, shall make a report to the Senate.

(4) On receipt of the report under sub-section (3), the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion in the matter.

(5) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such further inquiry (if any) as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(6) Where by an order made under sub-section (5) the rights conferred by affiliation are withdrawn, in whole or in part, or *modified* the grounds for such withdrawal or *modification* shall be stated in the order.

CHAPTER XII.—HONORARY FELLOWS

[Appendix 2—*contd.*]

41. 43. *Honorary Fellows.*—(1) The Chancellor may nominate any person to be an Honorary Fellow for life, who is eminent for his attainments in any branch of learning, or is an eminent benefactor of the University, or is distinguished for services rendered to the cause of education generally. *Cf. VIII of 1904, s. 13.*

(2) Notwithstanding anything contained in this Act, any person appointed to be an Honorary Fellow under section 13 of the Indian Universities Act, 1904, shall continue to be an Honorary Fellow for life, and shall be deemed to have been so appointed under this Act. VIII of 1904

(3) A person shall not be debarred from appointment as Fellow, *Syndic*, member of the *Syndicate*, Member of the Academic Council or other office under this Act, merely on the ground of being an Honorary Fellow.

CHAPTER XIII.—TRANSITORY PROVISIONS

~~42.—(1) Transitory powers of the Senate. Notwithstanding anything contained in this Act, within six months from the date of the coming into operation of this Act the Senate constituted in accordance with the provisions of the Acts repealed by this Act (in this section referred to as "the present Senate") shall make arrangements for constituting the Senate, the Syndicate the Academic Council and other bodies as provided in this Act.~~

~~(2) Till the Senate is constituted as provided in this Act the present Senate and the Syndicate and other Bodies constituted under the Acts repealed by this Act and existing on the date on which this Act comes into operation and all officers of the University shall continue in office.~~

~~(3) The present Senate shall within the period mentioned in sub-section (1) frame all such rules as may be necessary for regulating the elections to all authorities and bodies of the University as provided in this Act. Such rules shall be subject to the approval of the Chancellor.~~

~~(4) Rules made under sub-section (3) shall be deemed to be, and shall have the effect of statutes made under this Act and shall continue in force until they are replaced by Statutes to be made under this Act.~~

~~(5) If the present Senate fails to frame the rules referred to in sub-section (3) within the time therein mentioned the Government may frame such rules and the rules so framed shall have effect as if they had been framed by the present Senate under sub-section (3).~~

~~If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise, in first giving effect to the provisions of this Act, the local Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.~~

44. *Syndicate first to make the Statutes, Ordinances and Regulations.*—

(1) *Notwithstanding anything contained in this Act, the first Statutes*

## [Appendix 2—contd.]

*Ordinances and Regulations under this Act shall be framed by the Syndicate constituted under the Acts repealed by this Act (in this section referred to as "the present Syndicate") within such time before the date of coming into operation of this Act as Government may fix in this behalf, and on approval by the Chancellor, shall be deemed to have been duly made under this Act.*

(2) *If the present Syndicate fails to frame the Statutes, Ordinances and Regulations referred to in sub-section (1) within the time therein mentioned, Government may frame such Statutes, Ordinances and Regulations, and the Statutes, Ordinances and Regulations so framed shall be deemed to have been made under this Act.*

(3) *Till the Senate is constituted as provided in this Act, the Senate and other University bodies constituted under the Acts repealed by this Act and existing on the date on which this Act comes into operation and all officers of the University shall continue in office.*

(4) *Until the various University bodies other than the Senate are duly constituted under this Act, all their duties (except that of framing statutes, ordinances and regulations) shall be performed by one or more committees appointed by the Chancellor who shall also frame rules for the proper working of those Committees.*

(5) *If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act, Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.*

(43) 45. *Elected and nominated Fellows to retire by rotation.—(1) The Vice-Chancellor shall, after the Senate is constituted under this Act, divide by lot the first Fellows elected, and nominated under Part II (A) and (B) of sub-section (1) of section 42 13 into five equal groups, as far as possible, under each of the said heads, the order of the groups being also determined by lot.*

(2) *Subject to the other provisions of this Act the Fellows in the first, second, third, fourth and fifth of the said groups shall hold office for one, two, three, four or five years respectively.*

(3) *Fellows who have vacated their office under this section shall be eligible for re-election and re-nomination.*

46. *Elected members of the Syndicate to retire by rotation.—(1) The Vice-Chancellor shall, after the Syndicate is constituted under this Act, divide the members of the Syndicate elected under clauses (d) and (e) of sub-section (1) of section 20 into three equal groups, as far as possible, under each of the heads, the order of the groups being also determined by lot.*

(2) *Subject to the other provisions of this Act, the members of the Syndicate in the first, second and third groups shall hold office for one, two or three years respectively.*

(3) *Members of the Syndicate who have vacated their office under this section shall be eligible for re-election.*

CHAPTER XIV.—GENERAL

[Appendix 2—*contd.*]

44. 47. *Interpretation in case of doubt.*—(1) If any question arises regarding the interpretation of any provision of this Act or of any statute, ordinance or regulation, or as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University the matter may be referred to the Chancellor, and shall be so referred if ten Fellows so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question, and his decision shall be final.

(2) *Nothing in this section shall be deemed to affect in any way the existing jurisdiction of the High Court of Bombay.*

45. 48. *Elections to be by proportional representation.*—Every election to any authority of the University under this Act shall be made by according to the system of proportionate representation by means of the single transferable vote in such manner as may be prescribed by Statutes.

46. *Proceedings not invalidated by vacancy.*—~~No act or proceeding of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.~~

49. *Proceedings not invalidated by vacancy.*—~~No act or proceeding of any authority or other body of the University shall be invalid by reason of only of any vacancy in the body doing or passing it or by reason of any want of qualification by or invalidity in the election or appointment of any de facto member of the body whether present or absent.~~ Cf. Mad. VII of 1923, s. 39. U. P. III of 1921, s. 45.

47. 50. *Pension or Provident Fund.*—The University shall establish for the benefit of its officers, teachers and other servants such pension or provident fund as it may deem fit in such manner and subject to such conditions as may be prescribed by the Senate by Statutes. Cf. Mad. VII of 1923, s. 51.

48. 51. *Passing of property and rights to the University as reconstituted.*—All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by, or for the University of Bombay as constituted under the Acts repealed by this Act as well as all liabilities legally subsisting against the said University shall pass to the University as constituted under this Act.

49. 52. *Repeal.*—The enactments specified in the Schedule shall be repealed to the extent specified in the fourth column thereof:

Provided that—

(a) this repeal shall not affect the validity of anything already done under any enactment hereby repealed; and

(b) the appointments of the Registrar and all other officers and servants of the University, and of Examiners, validly made under the Acts hereby repealed and subsisting on the date on which this Act comes into operation, shall be deemed to have been validly made under and for the purposes of this Act, and the Registrar and such

[Appendix 2—*contd.*]

officers, servants and examiners shall continue to hold office and to act, subject to the conditions governing the tenure of their office or employment, except in so far as such conditions may be altered by competent authority.

## SCHEDULE

### ENACTMENTS REPEALED

(Section 49 52)

#### *Acts of the Governor General in Council*

Year	Number	Short title	Extent of repeal
1857 ..	XXII	The Bombay University Act, 1857.	So much as has not already been repealed.
1904 ..	VIII	The Indian Universities Act, 1904.	In sub-section (1) of section 6 the word "Bombay."  In the First Schedule the heading "The University of Bombay" and the entries under that heading.



APPENDIX 3

BILL No. XVI OF 1927

*An Act to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land*

**(As published in the "Bombay Government Gazette" of the 7th July 1927)**

WHEREAS it is expedient to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land ; and whereas the previous sanction of the Governor General required by section 80A of the Government of India Act and the previous sanction 5 & 6 Geo.V, of the Governor required by section 80C of the said Act have been c. 61. obtained for the passing of this Act ; It is hereby enacted as follows :—

PART I

PRELIMINARY

1. *Short title.*—This Act may be called the Bombay Small Holdings Act, 192 .

2. *Extent.*—It extends to the whole of the Bombay Presidency except the City of Bombay, Aden, Sind and the scheduled District of the Mehwasai Chiefs' villages as defined in the Scheduled Districts Act, 1874 : XIV of 1874 Provided that the Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, exclude any area or class of areas from the operation of all or any of the provisions of this Act.

3. *Definitions.*—(1) In this Act, unless there is something repugnant in the subject or context,—

(a) "committee" means a committee appointed under section 4 ;

(b) "fragmented holding" means any plot of land existing in any local area at the time this Act comes into force which is of less extent than the standard unit ; "new fragmented holding" means any plot of land less in extent than the standard unit which comes into existence in any local area after this Act comes into force ;

(c) "land" means unalienated land used wholly or principally for agricultural purposes ;

(d) "local area" means any area for which the Commissioner has determined standard units, under section 8 ;

(e) "neighbour" means the occupant of any land which is contiguous to a fragmented holding and includes a mortgagee in possession ;

(f) "prescribed" means prescribed by or under this Act or by rules made thereunder ;

(g) "standard unit" means the area of land which has been determined by the Commissioner under section 8 as the minimum necessary for profitable cultivation in the case of any class of soil in any local area.

(2) Any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not herein defined shall, subject to the provisions of this Act, be deemed to have the meaning assigned to it by that Code. Bom. V of 1879.

[Appendix 3—*contd.*]

4. *Appointment of committee.*—The Governor in Council shall, as soon as practicable, after the coming into operation of this Act, appoint for each district a committee consisting of the Collector, who shall be the Chairman, the Deputy Director of Agriculture and three members of the District Local Board. The members of the District Local Board shall be selected and the vacancies, if any, in their numbers shall be filled in the prescribed manner.

5. *Committee to determine standard units provisionally.*—The committee shall provisionally determine for the whole or any portion of the district and for each class of soil, the minimum extent that can be cultivated profitably as a separate plot.

6. *Objections to be invited.*—The committee shall then publish its proposals in the prescribed manner and shall invite objections which should be submitted within one month from the date of publication.

7. *Committee to submit proposals to the Commissioner.*—The committee shall, after considering the objections, if any, and after making such further enquiries as it may deem fit, submit its proposals to the Commissioner through the Collector.

8. *Commissioner to determine standard units.*—The Commissioner shall thereupon determine finally and publish in the prescribed manner the standard units, as recommended by the committee, or with such modifications as he thinks fit.

9. *Entry in the Record of Rights.*—(1) After the standard units are finally determined an entry shall be made in the Record of Rights in the case of every plot of land less in extent than the standard unit that it is a fragmented holding.

(2) Within two months from the date of publication of the standard units under section 8, a notice shall be given in writing by the village accountant to the occupants of all such fragmented holdings that such an entry has been made.

10. *Restrictions on alienation of fragmented holding.*—(1) From the date of such entry in the Record of Rights no such fragmented holding shall be sold, exchanged, mortgaged with possession, leased or otherwise transferred except in accordance with the provisions of this Act.

(2) Every alienation of such fragmented holding contrary to the provisions of this Act shall be void.

11. *Notice to be given of transfer of fragmented holding.*—Any person, hereinafter called the transferor, desiring to transfer otherwise than by lease or mortgage without possession, to any person other than a neighbour, any fragmented holding shall give notice by registered post to the Mamlatdar, stating the conditions of the proposed transfer and the terms offered. The Mamlatdar shall, within one month of the receipt of such notice, give notice to all the neighbours, in the manner prescribed in section 191 of the Land Revenue Code, 1879, of the proposed transfer and of the conditions and terms mentioned in the notice.

12. *Neighbour's rights of pre-emption.*—(1) Any neighbour shall thereupon have the right to claim the fragmented holding on the terms

[Appendix 3—*contd.*]

mentioned in the notice given by the transferor under section 11. Such right is hereinafter called 'the right of pre-emption.'

(2) When more than one neighbour desire to exercise the right of pre-emption, the transferor shall dispose of his holding among them as he thinks fit.

Provided that when more than one neighbour desire to exercise their right of pre-emption, priority shall be given to the neighbour or neighbours whose original holding, being less in extent than the standard unit, shall, when combined with the fragmented holding, equal or exceed the standard unit: Provided further that when more than one neighbour are entitled to priority under the last preceding proviso, the transferor shall dispose of his holding among them as he thinks fit.

(3) The claim by a neighbour shall be made by notice sent by registered post to the transferor and to the village accountant of the village in which the fragmented holding is situated.

13. *When fragmented holding may be sold to a person other than a neighbour.*—If within 30 days of the issue of the notice by the Mamlatdar, under section 11, no neighbour has notified his desire to exercise the right of pre-emption in the manner prescribed in section 12, the transferor may transfer the fragmented holding to any person other than a neighbour on the terms mentioned in the notice under section 11.

14. *Suit to enforce right of pre-emption: Limitation.*—(1) If any fragmented holding is transferred in contravention of the provisions of section 11 or section 12 or on terms other than those mentioned in the notice under that section, any neighbour entitled to purchase it in preference to the transferee may institute a suit in the civil court to enforce his right of pre-emption.

(2) In every such suit the plaintiff may request the court to determine the terms on which the fragmented holding has been transferred and to put him in possession of the same on his agreeing to the same terms.

(3) If the transfer has taken place in contravention of the provisions of section 11 or section 12 and the plaintiff does not agree to take over the fragmented holding on the terms on which it has been actually transferred to the third party, the court shall put him in possession of the same on the terms mentioned in the notice given by the transferor under section 11. If no such notice was given or if the plaintiff is not willing to take possession on the terms mentioned in such notice the court shall either declare the transfer void, or pass a decree on the defendant agreeing to hand over the fragmented holding to the plaintiff on terms agreeable to both parties.

(4) The period of limitation in a suit to enforce the right of pre-emption under this section shall, notwithstanding anything contained in the Indian Limitation Act, 1908, be one year from the date of the transfer.

15. *To whom fragmented holding may be leased.*—No fragmented holding shall be leased to any person other than the occupant or the lessee of a contiguous plot.

[Appendix 3—*contd.*]

16. *New fragmented holding.*—If after the standard units have been determined under section 8 in any local area any plot less in extent than the standard unit comes into existence, such a plot shall be entered in the Record of Rights as a 'new fragmented holding' and written notice of such an entry shall be given by the village accountant to the occupant of such a holding and to such other persons as appear from the Record of Rights to have an interest therein within 15 days of the date of such an entry.

17. *To whom new fragmented holding may be transferred.*—From the date of such an entry in the Record of Rights no new fragmented holding shall be sold, exchanged, mortgaged, leased or otherwise transferred except to the occupant or in the case of a lease, to the lessee or owner of a contiguous holding.

18. *Transfer in contravention of Act void.*—Any lease or other transfer of a new fragmented holding shall be void to the extent to which it contravenes the provisions of this Act.

19. *Cultivation of new fragmented holding below standard unit prohibited.*—From the date of the entry made under section 16 no new fragmented holding shall be cultivated unless it is combined with a contiguous plot or plots so that the total area so cultivated shall be equal to or exceed the standard unit.

20. *Transferee of holding illegally transferred may sue for consideration given.*—Nothing in this Act shall debar a person or persons who may have obtained possession of a fragmented holding or of a new fragmented holding in contravention of the provisions of this Act from suing the transferor for any consideration he or they may have given.

21. *Partition of estates paying land-revenue to Government.*—(1) At the partition of an estate paying land-revenue to Government in any local area for which standard units have been fixed the Collector shall so divide the estate as not to leave any fragmented holding or to create any new fragmented holding. The land shall first be partitioned among those whose shares equal or exceed the standard units. If any portion is left over, it shall be divided into as many shares as can be made without creating a new fragmented holding and allotted to those of the remaining sharers whose shares are the largest. The rest of the sharers, if any, shall be compensated in money for their shares on a valuation made by the Collector and distributed *pro rata* among the sharers provided with land in the prescribed manner.

(2) If there are several sharers equally entitled and there is not enough land for all of them, the Collector shall, in the absence of any agreement among them, select by lot as many of the sharers as can be provided with land without leaving a fragmented holding, or creating a new fragmented holding, and the rest shall be compensated in the manner prescribed in sub-section (1).

(3) If owing to the existence of scattered fragments less in extent than the standard units in an estate it is not possible to divide it among the sharers so as to leave no fragmented holding, such scattered fragments

[Appendix 3—*contd.*]

shall be auctioned in the prescribed manner among the neighbours whose lands when combined with such fragments would exceed the standard units. If there is only one such neighbour the land shall be offered to him at a price fixed by the Collector. The proceeds of the sales of the scattered fragments shall be divided among the sharers entitled to them in proportion to their interest in them. If such fragments cannot be disposed of in the manner laid down in this sub-section, the largest of them shall be given to the sharer entitled to the largest share, the second largest to the sharer entitled to the second largest share, and so on until all such fragments have been disposed of and the claims of the other sharers adjusted in money in the manner prescribed in sub-section (1). Such fragments shall be treated as new fragmented holdings.

22. *Penalty for infringement of the Act.*—If any person acts in contravention of the provisions of section 11, 12 or 17, leases a fragmented holding in violation of section 15 or cultivates a new fragmented holding in violation of section 19, the Collector may, after formal inquiry, impose on him a fine not exceeding Rs. 50. Such fine shall be recoverable as an arrear of land revenue.

23. *Grant of tagai.*—The purchase of a plot or plots by a neighbour or sharer under section 12, 14 or 17 or of a sharer's interest in land under section 21 shall be deemed to be a purpose for which tagai can be granted under the Agriculturists' Loans Act, 1884.

XII of 1884.

24. *Amendment of sections 117A and 117B of Bom. V of 1879.*—In sections 117A and 117B of the Bombay Land Revenue Code, 1879, the following words shall be inserted at the commencement of the said sections, namely:—

Bom. V of 1879.

“Subject to the provisions of the Bombay Small Holdings Act, 192 .”

25. *Exemption from stamp duty and registration.*—Any document solely relating to the lease or other transfer of a fragmented holding or of a new fragmented holding made in accordance with the provisions of this Act shall be exempt from stamp duty and registration fees.

26. *Part I not to apply to transfer of land by or to Government.*—Nothing contained in this Part shall apply in respect of any transfer of land made by or to the Government.

## PART II

### CONSOLIDATION OF HOLDINGS

27. *Application of this Part to selected areas.*—With the object of forming economic holdings for the purpose of more profitable cultivation the Governor in Council may, by notification in the *Bombay Government Gazette*, declare that a scheme for any village or for any area in a village shall be made to consolidate and redistribute the holdings of land.

28. *Collector to apply for a scheme to be made.*—Such a notification shall issue only on the application of the Collector.

[Appendix 3—*contd.*]

29. *Preliminary inquiry before making application.*—Before making such an application the Collector shall hold an inquiry into the distribution and holding of land in the village or in the area in the village deemed to require consolidation and redistribution.

30. *Officer making inquiry to make plan of area affected and draw up a list of holders and ascertain their wishes.*—(1) Every officer making such inquiry shall draw up a plan of the area in respect of which it is proposed to make a consolidation scheme with a list of holders and other persons having an interest in the land to be consolidated and redistributed, and shall take the statements of the holders and such other persons in order to determine whether they consent or not to the making of a consolidation scheme.

(2) If a holder or a person having an interest in the land to be consolidated and redistributed fails to appear or attend at the time and place required by such officer, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code, and if any such person refuses to make or sign a statement required by such officer, he shall be deemed to have committed an offence under section 179 or section 180, as the case may be, of the Indian Penal Code.

31. *Majority necessary for a scheme; particulars to be given by Collector applying for sanction to preparation of a scheme.*—(1) If not less than two-thirds of the holders of plots and not less than half of the owners of land in the area affected consent to the making of a consolidation scheme, the Collector may apply for sanction for a consolidation scheme and shall furnish the following particulars:—

(a) area to be consolidated,

(b) a map showing existing distribution,

(c) a list of persons interested showing if they have consented or not to the making of a consolidation scheme.

(2) The Collector shall also report the minimum size of a profitable cultivable plot of jirait and bagait land, respectively, and of a combination of jirait and bagait land in the area, and any other prescribed particulars.

32. *Particulars of the notification declaring that a scheme shall be prepared.*—The notification mentioned in section 27 shall contain the following particulars:—

(a) the consent of the necessary majority of holders required by section 31,

(b) the area to be consolidated,

(c) the minimum size of holdings of the different classes of land to be included in the consolidation scheme,

(d) the time within which the consolidation scheme shall be completed.

33. *Consolidation officer to be assisted by three persons from the village.*—(1) On the issue of a notification under section 27 the Governor in Council shall appoint some officer to be consolidation officer for the purpose of the consolidation scheme.

[Appendix 3—*contd.*]

(2) The consolidation officer on proceeding to the village or area in question shall take the assistance of three persons from the village or area of whom one shall be the revenue patel of the village and the others shall be members of the Sanitary Committee or of the Village Panchayat, if any, or if there is no Sanitary Committee or Village Panchayat, shall be appointed by the Collector.

34. *Consolidation officer to consult persons summoned to assist him.*—The consolidation officer shall, in the proceedings under this Act, so far as may be, consult these three persons, but shall not be bound by their opinions.

35. *Duties of consolidation officer.*—The consolidation officer shall—

(a) make a plan of the area in respect of which it is proposed to make a consolidation scheme showing all existing sub-divisions by survey numbers, pot numbers and sub-divisions,

(b) draw up a list of all holders in the area showing :—

(i) the separate holders of plots,

(ii) the joint holders of plots,

(iii) the persons having any other interest in or charge on the land affected, such as claims to maintenance, leases other than annual, mortgages, incorporeal and any other subsisting rights.

36. *Publication of plan and list and notices to holders and all persons interested.*—The plan and list so made shall be published in the village, at the taluka town, and at the district headquarters, together with a general notice inviting claims and objections and separate notice shall, so far as possible, also be served on all persons believed to be interested in the land affected. The notices shall specify the time within which all claims and objections will be received by the consolidation officer.

37. *Consolidation officer to inquire into all claims and objections made to him.*—On the expiry of the period specified in the notices under section 36 the consolidation officer shall hold a formal inquiry and shall hear and decide all claims and objections made to him

38. *All subsisting rights to be valued by consolidation officer.*—When all the claims and objections, if any, made to the consolidation officer have been finally determined by him, he shall proceed to value the rights of all persons who have been found to have an interest in the land affected as holders or mortgagees, or for maintenance, or a charge or any other interest.

39. *Matters to be considered by the consolidation officer.*—In making such a valuation, the consolidation officer shall take into consideration—

(i) the market value of the land at the date of publication of the notification under section 27,

(ii) the value of any trees or buildings on the land,

(iii) the damage likely to be sustained by any person by reason of severance of any land from other land,

(iv) the value of the remaining portion of any lease for more than a year,

[Appendix 3—*contd.*]

- (v) the amount due on any mortgage of the land,
- (vi) the capitalized value of any charge for maintenance, or any other interest in the land.

40. *Agreement to be specified in the valuation.*—Where there are several persons interested in such valuation and they agree to the apportionment of the land proposed by the consolidation officer the agreement shall be specified in the valuation and shall be final and conclusive and binding on all persons. Such agreement shall be reduced to writing, read and explained to the parties and signed or otherwise authenticated by the consolidation officer and all the persons interested.

41. *Tribunal of Arbitration.*—If there is any dispute as to the apportionment of land, the consolidation officer shall refer the dispute to the President of the Tribunal of Arbitration for the decision of such Tribunal.

42. *Composition of Tribunal.*—The Tribunal of Arbitration shall consist of a President and two assessors. The President shall be the District Judge, one assessor shall be a person having no interest in the land of the village and appointed by the District Judge. The other assessor shall be the consolidation officer.

43. *Removal of assessors.*—The Governor in Council may, if he thinks fit, remove for inability or misconduct or any other good and sufficient reason the assessor appointed under section 42 or the consolidation officer.

44. *Place where Tribunal may sit.*—The Tribunal of Arbitration may sit either at the headquarters of the President or at any other place, within the local limits of his jurisdiction, which he may consider convenient for the decision of any matter before such Tribunal.

45. *Right to appear by recognised agent.*—Every party to any proceeding before the Tribunal of Arbitration shall be entitled to appear either in person or by his recognised agent.

46. *Powers of President.*—All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two assessors or by the majority of them.

47. *Powers of Tribunal.*—The Tribunal of Arbitration may accept, modify, vary or reject the proposals of the consolidation officer.

48. *Decision of Tribunal to be final.*—Every decision of the Tribunal of Arbitration shall be final and conclusive and binding on all persons.

49. *Tribunal not a court.*—Nothing contained in this Act shall be deemed to constitute the Tribunal of Arbitration to be a court.

50. *Remuneration of non-official Assessor, and payment of incidental expenses of Tribunal.*—(1) The non-official assessor appointed under section 42 shall be entitled to such remuneration as may be fixed by the Collector from time to time subject to the approval of the Governor in Council.

(2) The remuneration payable to the non-official assessor and all expenses incidental to the working of the consolidation scheme and the redistribution scheme shall, unless the Governor in Council, otherwise determines, be payable by the persons who have benefited by the



[Appendix 3—*contd.*]

redistribution of the holdings in such manner as the consolidation officer shall determine. Such sums shall be recoverable as arrears of land revenue.

51. *Valuation by consolidation officer to be final.*—The consolidation officer's valuation of all rights involved in a consolidation scheme shall be final and conclusive and binding on all persons.

52. *List of persons interested and value of their interest to be published.*—When the valuation of all the rights affected by a consolidation scheme has been finally determined, a list of the persons having an interest in the land affected and the value of such interest shall be posted in the village chavdi, and notice of such interest and its value shall be sent to each such person.

53. *Area affected to be divided into plots not less than standard unit.*—The consolidation officer shall then frame a redistribution scheme in respect of such area containing proposals for the division of the area being dealt with into plots, none of which shall be less in extent than the standard unit, and each of which shall contain as far as possible a due proportion of jirait and bagait land. The redistribution shall be made in such a manner that the new holdings shall, so far as may be, conform to the previous holdings.

54. *And to provide for maximum convenience for cultivation of such plots.*—The redistribution scheme shall provide for roads, tanks, rights of way, water-courses and such other conveniences in such a way as to ensure that the reconstituted plots shall be cultivable to the greatest advantage.

55. *Assessments to be transferred from the old holdings to new.*—When the redistribution has been completed, the Superintendent of Land Records shall determine the area and assessment of each reconstituted plot by summing the assessment of all the pieces of land which compose it. The classification and description of the land (as rice, garden or dry crops) shall not be changed :

Provided that if by the redistribution any land loses irrigation water or any other advantage for which a special rate has been levied, and that advantage is transferred to any other plot of land, the Superintendent of Land Records shall have power to reduce or enhance the respective rates. He shall also have power to class and assess under the rules for the time being in force in this behalf any land given up from roads or any other public purposes to cultivation and to remit the assessment on any land transferred from cultivation to roads or any other public purposes.

56. *Settlement guarantee.*—The settlement guarantee shall not be affected by such re-assessments.

57. *Alienated land not to be included.*—Alienated land shall always be separately demarcated and shall not be included in any consolidation scheme.

58. *Total valuation of reconstituted plots.*—The reconstituted plots shall then be revalued in such a way as to provide for the values of all the rights which have been determined and valued under the foregoing

## [Appendix 3—contd.]

provisions and posted under section 52 and so that the total value shall equal the total sum due under that section.

59. *Right of any holder to elect for compensation instead of new holding.*—Any person willing to receive compensation instead of reconstituted land shall be allowed to do so, if this is possible under the redistribution scheme.

60. *Disposal of plots not wanted by holders or persons interested.*—If any original holder or person interested is not willing to take any reconstituted plot under the redistribution such plot may be allotted for its valuation under section 58 to any other person willing to take it.

61. *Adjustment of interests of new holders.*—Persons who have been allotted new holdings in the redistribution shall have the values of their old holdings set against their new ones and shall be debited or credited in the scheme, as the case may be, with the difference in value between the two.

62. *Credit of value of holdings.*—Persons who were original holders and who have got no new holdings in the redistribution shall be credited in the scheme with the value of their old holdings.

63. *Debit of value of holdings.*—Persons who were not original holders and to whom plots have been allotted under the redistribution shall be debited with the value of the plots allotted to them.

64. *Other claims how to be adjusted.*—When all the allotments of reconstituted plots have been made and the sums due or owed on them have been fixed the scheme shall deal with the remaining interests involved.

65. *Interests on plots.*—When persons liable for such an interest have obtained plots on allotment the value of the interest shall be placed as a charge on such plots.

66. *Interests paid off.*—When such persons have not obtained plots in the redistribution the interest shall be paid off from the sums allotted to them in the valuation.

67. *Provisions for payments under the scheme.*—The scheme may provide that any charges placed on the land may be defrayed by a loan under the Land Improvement Loans Act, 1883, the amount of which shall then form a first charge on the land, or that they shall be defrayed by annual instalments which, if in arrear, shall be recoverable as an arrear of land revenue or the holders may themselves pay off any such sums.

68. *Submission to Government for sanction.*—When the scheme has been completed it shall be submitted to the Governor in Council for sanction through the Collector and the Commissioner, and, if the Governor in Council is satisfied that the scheme will be for the benefit of the area, and that all claims and interests have been provided for, he may sanction the scheme.

69. *Government sanction.*—If the Governor in Council sanctions the scheme, a notification shall issue, publishing it in the *Bombay Government Gazette* and at the District and Taluka headquarters and in the village.

[Appendix 3—*contd.*]

70. *Contents of notification.*—The notification shall state the date from which the scheme is to come into effect and the result of its coming into effect.

71. *Legal effect of publication of notification.*—On the publication of the sanction of the Governor in Council to the scheme the whole of the redistributed area shall be deemed to vest in Government as if it had been acquired under the Land Acquisition Act, 1894, and until it is I of 1894 re-allotted.

72. *Issue of sanads by Collector.*—The Collector shall then grant to each of the holders of the new plots a sanad in the prescribed form with a map showing the area and boundaries, and the obligations which are attached to the plots, and the assessment or other charges upon the land.

73. *Holders to be put into possession.*—The Collector shall then on such date as may have been notified for this purpose place the holders in possession of the plots allotted to them under the scheme.

74. *Concessions in order to assist consolidation.*—In any case in which consolidation of holdings has been or is being effected in accordance with the provisions of this Act—

(a) stamp and registration charges on any deed concerned with the consolidation of any holding shall be remitted on production of a certificate of a Mamlatdar endorsed on the deed that it is concerned with the consolidation of holdings under this Act ;

(b) half the assessment on the consolidated area shall be remitted for three years ;

(c) tagai may be granted if the object of the grant of the tagai is to carry out any of the purposes of this part.

75. *Bar of legal proceedings.*—No suit or other legal proceeding shall be maintained in respect of the exercise of any discretion conferred by this Act or against any public servant or person duly appointed or authorized under this Act in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

76. *Rules.*—(1) The Governor in Council may make rules consistent with the provisions of this Act to carry out the purposes and objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the selection of members of the District Local Board for the Committee to be appointed under section 4 and the filling up of vacancies in their number ;

(b) the manner in which the notice referred to in section 6 shall be published ;

(c) the manner in which the standard units prescribed by the Commissioner under section 8 shall be published ;

(d) the manner in which the valuation made by the Collector of the shares of persons not provided with land at the partition shall be distributed among those provided with land under sub-section (1) of section 21 ;

[Appendix 3—*contd.*]

(e) the manner in which scattered fragments of an estate shall be auctioned under sub-section (3) of section 21 ;

(f) the particulars to be reported by the Collector under sub-section (2) of section 31 ;

(g) the procedure to be followed by the consolidation officer ;

(h) the procedure to be followed by a Tribunal of Arbitration under this Act ;

(i) the procedure to be followed generally in carrying out the provisions and objects of this Act ;

(j) the form in which sanads shall be granted by the Collector under section 72 ;

(k) any other matter required to be done under or in furtherance of the provisions of this Act for which provision is, in the opinion of the Governor in Council, necessary.

(3) The making of rules under this section shall be subject to the condition of previous publication.

## STATEMENT OF OBJECTS AND REASONS

The subject of the excessive sub-division and fragmentation of agricultural holdings has engaged the attention of Government for a number of years. The evils resulting from these processes may be briefly stated as follows :—

(a) they impede cultivation and cause a waste of time ;

(b) they prevent permanent improvements to land being undertaken, as it is impossible to use labour-saving implements or even iron ploughs on land which is broken up into scattered pieces ;

(c) they preclude the proper organization of labour and capital and cause a waste of a large amount of arable land in boundaries ;

(d) they prevent a cultivator from living on his farm, result in second crops not being grown when they can be, in some cases send the land out of cultivation altogether, cause enmity amongst neighbours leading to quarrels and litigation, and, generally speaking, produce an uneconomic situation. The excessive sub-division of land in certain areas of the Presidency has gone so far as to amount to a serious hindrance to cultivation resulting in a general diminution of their crop outturn. In the interests of cultivation, therefore, it is necessary now to take measures to check the evil.

2. The object of this Bill is to remedy these evils so far as it is possible to do so. This it is proposed to do in three ways—

(1) by prohibiting all future sub-divisions of land into plots which are agriculturally uneconomic ; (2) by ensuring that all transfers of land shall henceforth be towards the consolidation of holdings instead of in the direction of their fragmentation ; and (3) by setting up machinery which will, where necessary, redistribute into plots that can be cultivated at a profit holdings which have become so fragmented as to be no longer worth cultivating.

3. The Bill, which deals only with agricultural land, consists of two parts, which though distinct and separate, are connected to this extent

[Appendix 3—*contd.*]

that they deal with the same subject, namely, the sub-division and fragmentation of holdings. The first part consists of proposals to prevent further sub-division and fragmentation. In order to protect existing rights, as far as possible, separate provisions have been made for existing fragmented holdings and new fragmented holdings. So far as the existing fragmented holdings are concerned, it is not proposed to interfere with transactions relating to them (with the exception of leases) otherwise than by the right of pre-emption given by clause 12. As for leases, the lease of any fragmented holding, whether new or old, to any person other than the occupant or the lessee of a contiguous plot, is prohibited. The only distinction between an old and a new fragmented holding in the matter of cultivation is that while an old fragmented holding can be cultivated by its occupant the cultivation of a new fragmented holding even by the occupant himself (except as provided in clause 19) is prohibited. It will be seen that it is the cultivation and not the ownership of fragments which leads to unprofitable cultivation and that the cultivation, at any rate, of fragments which are brought into existence hereafter must be prevented if an enactment of this nature is to be at all effective.

The scheme may be briefly outlined as follows :—

(1) In districts or areas to which Government shall extend the provisions of the Act standard units will be selected by the committee appointed under clause 4, having regard to the character of the crops in the particular area.

(2) After standard units have been fixed for any area any person who desires to transfer his land which is less in size than the standard unit (otherwise than by lease or mortgage without possession) shall give the first right of refusal of it to the owners of the adjoining lands, and it is only when no neighbour has notified his desire to exercise such right that the owner can sell his land to any other person. Under clause 14 a suit may be instituted by a neighbour to enforce such right of pre-emption. In the case of new fragmented holdings which may come into existence after the passing of the Act the owner is debarred from transferring his plot except to the occupant, or, in the case of a lease, to the lessee or owner of a contiguous holding, and a transfer not so made is void. Under clause 19 the cultivation of a new fragmented holding is prohibited unless such holding is combined with a contiguous plot or plots so that the total area so cultivated shall be equal to or exceed the standard unit.

(3) Sections 117A and 117B of the Bombay Land Revenue Code shall be amended, so as to prevent the sub-division of land by the Courts by the partitioning off of portions below the standard unit.

(4) Tagai may be granted and stamp and registration fees may be remitted with the object of furthering the purposes of the Act.

(5) The Courts and Revenue Officers shall not recognize a partition involving the separation of land of less size than the standard unit.

4. The second part of the Bill is a consolidating measure, the object being to consolidate scattered and fragmented holdings in certain selected and specified villages. Considerable areas have been consolidated in Germany, France, Italy, Austria and other European countries.

[Appendix 3—*contd.*]

Consolidation has also been carried out in the Punjab by the Registrar of Co-operative Societies, with the help of the Societies, and without recourse to legislation. Similar attempts in this Presidency have not been successful. The method must be very slow.

A Consolidation Act has also already been placed on the Statute Book by the Government of His Highness the Gaikwar of Baroda.

The provisions of the Bill will not apply to inam lands because of the inherent rights attaching to such lands.

The second part of the Bill is largely based on the Bombay Town Planning Act, 1915. In particular a Tribunal of Arbitration based on the Town Planning Act will be instituted for the villages or areas in question. The provisions, however, are not so intricate as in the case of the Bombay Town Planning Act, as consolidation will be effected in rural areas only. There are also provisions for the grant of tagai and for other special concessions, in order to encourage consolidation. The provisions of the Bill do not apply to Sind.

*Notes on Clauses*

*Clause 3.*—In framing the definition of “local area” it is assumed that standard units may be determined by the Commissioner either for the district as a whole, or for a part or parts thereof, according as local conditions may require. Any area in a district for which standard units have been so determined will be a “local area” for the purposes of the Act.

*Clause 4.*—Provision for the duration of office of members of the District Local Board, the vacation of office by them on their ceasing to be members of the District Local Board, the removal of any such member, the manner in which the selection should be made and the vacancies should be filled up, the conduct of the business of the Committee and other matters incidental or ancillary thereto will be made by rules made under clause 76 (2) (a).

*Clauses 10 to 15.*—These clauses provide that after a plot of land has been entered as a fragmented holding in the Record of Rights and notice of such entry has been given to the occupant, the owner shall, if he desires to transfer the land by sale, exchange, mortgage or otherwise, first offer it to his neighbours and that it is only when none of his neighbours is willing to take it that he shall be entitled to transfer it to any other person. In the case of a lease, the land shall be leased either to the occupant or to the lessee of a contiguous plot. Any transfer of such a plot made in contravention of these provisions is void.

These clauses apply to plots of land of less size than the standard unit which are in existence when the Act comes into force. Separate provision is made for plots of land of less size than the standard unit which come into existence after the Act comes into force. (*Vide* clauses 16 to 19.)

*Clauses 16 to 19.*—These clauses aim at stopping the creation of new plots of land of less size than the standard unit after the Act comes into force. Any transfer of a plot of land which has been entered in the Record of Rights as a new fragmented holding (whether by sale,

[Appendix 3—*contd.*]

exchange, mortgage or otherwise) except to the occupant, or, in the case of a lease, to the lessee or owner of a contiguous holding, is prohibited and, if made, shall be void. Nor shall a new fragmented holding be cultivated unless it is combined with a contiguous plot so that the total area so cultivated shall be equal to or exceed the standard unit. Thus while the creation of new fragmented holdings by sub-division of land will be stopped by the restrictions on the transfer of such holdings the restrictions on the cultivation of such holdings will, it is hoped, tend to bring into existence plots of land which can be cultivated at a profit.

*Clause 20.*—As the transfer of fragmented holdings in contravention of the Act is void it is necessary to leave open to the transferees of holdings so transferred such remedies as may be open to them under the law for any consideration which they may have paid for the transfer.

*Clause 21.*—This clause provides that in partitioning an estate paying land revenue to Government the Collector shall so divide the estate as not to leave any fragmented holding or to create any new fragmented holding.

*Clause 24* prescribes the further procedure to be observed in sub-dividing the land.

*Clauses 27 to 40.*—The remedies proposed in Part I are intended to prevent future fragmentations and to eliminate the fragmentations already effected, but these will obviously operate very slowly in eradicating the evil and it would appear that a more radical remedy is called for if the evil is to be effectively checked in time. It evidently must be similar to the operation now well known as “town planning” in urban areas. The idea is to demarcate an area in which fragmentation has proceeded very far and to remodel it into holdings which are of a size which can be profitably cultivated and to return the remodelled plots, as far as possible, to the original owners, compensating with cash payments those who will get no land in the consolidated area by reason of their original holdings being too small to entitle them to a new plot, unless, they are prepared to make up the deficiency by buying a new plot.

*Clauses 41 to 72.*—When the proper valuation of all rights and interests has been finally determined by the Consolidation Officer or by the Tribunal of Arbitration, a list in accordance with the decisions shall be drawn up and published. This will form the basis of the ultimate settlement when a redistribution scheme for the area has been sanctioned.

The scheme will be so framed as to form as many workable economic plots out of the entire area as may be possible and to provide roads and other amenities so that the plots, as redistributed, can be cultivated to the greatest advantage. The old assessments will then be imposed on the new holdings but not in such a way as to increase the amount of land revenue to be paid and the classification of the land will similarly not be changed. Nor will the settlement guarantee be affected. The redistributed area will then be regranted so far as possible to the original holders of the plots which have been reconstituted. The interests of

[Appendix 3—*contd.*]

all concerned will then be adjusted on the basis of the valuation which was made by the Consolidation Officer by money payments, such payments being effected where necessary by instalments or by means of advances by Government in the shape of tagai loans on easy terms.

The redistribution scheme, when completed, will be submitted to the Governor in Council for sanction and, if sanctioned by him, will be published. The Collector will then grant a sanad to each holder of the new plots with a map showing the area and boundaries and the obligations which are attached to the plots and the assessment or other charges on the land. The Collector will then place the holders in possession of the plots allotted to them under the scheme on the date notified in this behalf.

3rd June 1927.

C. V. MEHTA.



APPENDIX 4

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT

**RESERVED 8.** The Honourable Sir Cowasji Jehangir

Additional funds required for the Back Bay Scheme

In the current year's budget the voted provision under "59, Bombay Development Scheme" is Rs. 44,81,738 or Rs. 44,82,000. Of this Rs. 23,27,000 is for works and repairs and maintenance of Back Bay Scheme, including the provision for payment of customs duty on imported stores. Owing to the causes specified below, the expenditure during the year on works and repairs and maintenance of the Back Bay Scheme is likely to be in excess of the budget provision by Rs. 9.21 lakhs :—

	Amount of excess Rs. (Lakhs)
(1) A liability of Rs. 1.53 lakhs on account of the expenditure incurred on re-conditioning the dredger "jinga" remained unpaid last year and consequently the budget provision made for it last year lapsed. In addition there was an excess of Rs. 2.98 lakhs on the original estimate for re-conditioning which was not taken into account when the budget estimates for the current year were framed. These two items make up the total liability of Rs. 4.51 lakhs to be met this year. This dredger is required for completing the reclamation of block No. 1 of the Back Bay Scheme, provision for which has been voted by the Council at its last budget session .. .. .	4.51
(2) Excess on the original estimate for the dry filling of block No. 8. It was estimated, when the budget for the current year was framed, that this work would cost Rs. 9.15 lakhs, but the sanctioned estimate for the year actually amounts to Rs. 11.58 lakhs. The original provision of Rs. 9.15 lakhs is included in the item of Rs. 21.37 lakhs for dredging and filling which was voted by the Council at its last Budget Session .. .. .	2.43
(3) Dry filling of block No. 1 by trains. This work was not contemplated when the budget for 1927-28 was framed, but has since been found to be desirable .. .. .	1.28

[Appendix 4—*contd.*]

	Amount of excess
	Rs. (Lakhs)
(4) The provision of Rs. 1·18 lakhs voted by the Council for storm-water drains is found to be insufficient, as efforts are now being made to speed up the work in storm-water drain No. 6. This involves an extra expenditure of Rs. 25,000. Some new petty works in connection with the storm-water drains in blocks Nos. 7 and 8 which were not foreseen when the budget estimates for the current year were framed, are also now found to be necessary in view of the heavy monsoon conditions; the estimated expenditure this year on these unforeseen work amounts to Rs. 9,000 Total .. ..	·34
(5) The provision of Rs. 37,095 voted by the Council for repairs and maintenance is likely to be exceeded by Rs. 18,000 .. ..	·18
(6) Miscellaneous petty works not foreseen when the budget estimates for this year were framed, but are now found to be necessary. These works arise only out of the items of works in the scheme for which the Council had voted provision before .. ..	·47
	<hr/> 9·21

It will be seen from the details given above, that the excesses are solely on account of the items of works for which the Council had in its previous Sessions, voted budget provisions or for small unforeseen works arising out of such items of work; there is nothing in these excesses pertaining to any entirely new works for which the Council has not voted any provision. Against this total anticipated excess of Rs. 9·21 lakhs on works and repairs and maintenance in the Back Bay Scheme, there are the following anticipated savings aggregating Rs. 3·16 lakhs, on the budget provision for other items under "59, Bombay Development Scheme"—

	Amount of savings
	Rs. (Lakhs)
(1) Anticipated savings from the budget provision for land acquisition for the Back Bay and Suburban Schemes .. ..	1·56
(2) Anticipated savings from the budget provision for works and repairs and maintenance in Suburban Schemes .. ..	·90
(3) Anticipated savings from the budget provision under "B-Establishments" .. ..	·50

[Appendix 4—*contd.*]

	Amount of savings Rs. (Lakhs)
(4) Amount utilised for unforeseen small works in Back Bay Scheme from the provision of Rs. 75,000 for reserve with Government for unforeseen works .. .. .	20
	3.16

Therefore a supplementary grant of Rs. (9.21 lakhs total anticipated excess in Back Bay Scheme — 3.16 lakhs total savings in other items =) 6.05 is required. In addition a provision of Rs. 40,000 is necessary to meet the charge on account of premia on the insurance policies of the three dredgers "Colaba," "Kalu" and "Jinga." Thus the total supplementary grant required this year under "59-Bombay Development Scheme" is Rs. 6,45,000.

A statement giving an abstract of the budget provisions under "59, Bombay Development Scheme" as passed by the Council and the revised estimate now proposed, showing how the supplementary grant of Rs. 6.45 lakhs is arrived at is appended.

Against this supplementary demand may be set, for forecast purposes, a saving of Rs. 3.78 lakhs on the expenditure for January-March 1927 which was shown in Forecast A submitted to the Council during the last budget session.

Demand voted and now increased  
59, Bombay Development Scheme,  
Rs. 44,82,000 + Rs. 6,45,000.

FINANCE DEPARTMENT :

28th September 1927.

[Appendix 4—contd.]

## 59—BOMBAY DEVELOPMENT SCHEME

*Budget provision for 1927-28 and revised estimate framed on the information available at present for the purpose of a supplementary grant*

*Abstract*

' 59-Bombay Development Scheme ' Reserved	Budget estimate for 1927-28 as passed by the Council	Revised estimate now proposed
<i>A-Works and Acquisitions—</i>		
<i>(a) Bombay City Schemes.</i>		
(i) Works .. .. .	22,40,615	*31,83,417
(ii) Land Acquisition .. .. .	75,000	22,000
(iii) Repairs and Maintenance .. .. .	2,91,595	3,10,493
<i>(b) Suburban Schemes.</i>		
(i) Works .. .. .	2,34,984	1,67,984
(ii) Land Acquisition .. .. .	2,04,500	1,00,933
(iii) Repairs and Maintenance .. .. .	3,15,042	2,92,042
<i>(c) General.</i>		
(i) Works .. .. .	75,000	55,000
(ii) Repairs and Maintenance .. .. .	21,055	21,055
<i>B-Establishments and Contingencies</i> .. .. .	9,65,000	9,15,000
<i>C-Tools and Plant</i> .. .. .	13,522	13,522
<i>D-Grants and Advances</i> .. .. .	81,213	81,213
Customs duty on imported stores .. .. .	49,284	49,284
	45,66,810	52,11,943
	or 45,67,000	52,12,000
Voted ..	44,81,738	51,26,738
Non-voted ..	85,262	85,262

The excess over the voted budget provision being Rs. 6,45,000 a supplementary grant of that amount is required.

\*Includes Rs. 40,000 for payment of premia on insurance policies of the dredgers, "Colaba," "Kalu" and "Jinga."

APPENDIX 5

**TRANSFERRED 1.** The Honourable Sir GHULAM HUSAIN HILDAYAT-ALLAH.

Purchase of anti-rinderpest serum, Sind Veterinary Department

A provision of Rs. 6,000 has been made in the current year's budget for the purchase of sera for the Civil Veterinary Department in Sind. Owing to widespread outbreaks of rinderpest and other cattle diseases in the Nawabshah, Larkana and Sukkur districts, large quantities of sera had to be used and the expenditure at the end of April 1927 amounted to Rs. 5,950. The Superintendent therefore applied for a further grant of Rs. 4,000 for expenditure during the rest of the year. As the grant was urgently required, Government have sanctioned it in anticipation of the sanction of the Legislative Council and propose to meet it by re-appropriation from the reserve at the disposal of the Finance Department.

*Re-appropriation suggested*

Demand voted and now reduced—	Demand voted and now increased—
47-Miscellaneous —(Transferred).	34-Agriculture.
Rs. 9,55,761 —Rs. 4,000.	Rs. 25,85,000 — Rs. 4,000.

APPENDIX 6

**RESERVED 2.** The Honourable Mr. J. L. RIEU.

Additional grant for refunds under "7-Stamps"

By the Indian Finance Act of 1927 the Stamp duty of one anna in respect of cheques and drafts was abolished with effect from 1st July 1927. In consequence of this enactment the full refund of the value of the stamps already embossed on cheque and draft forms now in possession of Banks and firms in Bombay and Karachi cities has to be allowed. This contingency could not be anticipated when the current year's budget was framed, and the provision on account of refunds was based on the average of the past actuals. The amount provided was consequently exhausted by the end of August last. In order to enable the Superintendents of Stamps to pay up the outstanding claims and to meet the abnormal demand during the remaining portion of the current financial year an additional grant of Rs. 1,11,500 has been sanctioned for the Stamp Depôts, Bombay and Karachi. The sanction of the Legislative Council was anticipated as the matter was urgent. The Legislative Council is now requested to sanction the expenditure from the Reserve.

*Appendices*  
**APPENDIX 7**

**TRANSFERRED 3. The Honourable Mr. G. B. PRADHAN.**

	Rs.
Completion of (1) mhowra godown and (2) spirit store at the Nasik Distillery .. .. .	31,166

The Government Distillery at Nasik is a commercial undertaking of the Excise Department. All transactions regarding the distillery are therefore accounted for according to the general principles laid down for Government commercial undertakings. Last year the Legislative Council passed the demand for a supplementary grant of Rs. 1,56,975 for the construction of a mhowra godown (Rs. 1,26,394) and for the provision of increased spirit storage accommodation (Rs. 30,581). These works could not be completed during that year and the balance required for completing them during the current year has been provided under the head 41-Civil Works. According to the account procedure, however, provision for carrying out such works should be made under 6, Excise—Investments in Government Commercial Undertakings. The formal sanction of the Legislative Council is therefore requested to an additional grant of Rs. 31,166 under the head referred to for completing the two works, as shown below :—

	Rs.
Mhowra godown .. .. .	19,540
Spirit store .. .. .	5,000
	<hr/> 24,540
Establishment and tools and plant charges at 27 per cent. ..	6,626
Total ..	31,166

The funds provided under 41-Civil Works will not be utilised.

Demand voted and now increased

6-Excise

Rs. 51,68,000+Rs. 31,166

APPENDIX 8

**RESERVED 4. The Honourable Mr. J. L. RIEU.**

*Expenditure on Famine Relief*

In the course of the current financial year, applications have been received by Government for the allotment of funds for famine expenditure for which no provision was made in this year's budget. As the money was urgently required sums aggregating Rs. 1,80,507 have been allotted by Government and the sanction of the Legislative Council is requested to the transfer of this amount from "43-B, Transfers to Famine Insurance Fund" to "43-A, Famine Relief." The details of the expenditure are as follows :—

	Rs.
(1) <i>Measures for the relief of distress in the Poona District</i> .. .. .	30,000

Owing to the failure of the late rains the rabi crops in the eastern part of the district, which is mainly a rabi tract, have failed almost everywhere, except in Indapur Taluka and a part of Purandhar Taluka. It was necessary to start relief measures in this tract in the shape of doles to inferior village servants, bonuses to low paid patils and gratuitous relief to infirm persons remaining behind in the affected villages. A sum of Rs. 30,000 was therefore placed at the disposal of the Collector. Out of this allotment, the following expenditure was incurred up to 31st August 1927 :—

	Rs.	a.	p.
(a) Special Relief Establishment (2 Relief Head Karkuns, 3 Circle Inspectors and 5 peons) ..	1,071	2	0
(b) Bonus to Patils .. .. .	1,711	15	0
(c) Dole to inferior village servants .. .. .	6,533	2	6
(d) Dole to infirms .. .. .	4,864	5	1
Total ..	14,180	8	10
Balance ..	15,819	7	2

The balance that will remain after any additional expenditure that may be incurred will lapse to Government.

(2) <i>Grant of extra remuneration to village officers and servants in the Dharwar District</i> .. .. .	Rs. 3,300
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The Legislative Council sanctioned at the last session a grant of Rs. 3,300 for extra remuneration to village officers and inferior village servants in the Bijapur District, where there was scarcity last season. Subsequently it was reported to Government that it was necessary to give similar relief in certain talukas of the Dharwar District adjoining the Bijapur District where conditions were similar. Gratuitous relief was necessary for 287 inferior village servants in 113 villages at the rate of Rs. 2-4-0 per head per month for five months, and Government allotted a sum of Rs. 3,300 for this purpose.

(3) <i>Expenditure in connection with the storage of grass fodder at Palghar, Godhra and Dohad</i> ..	Rs. 1,47,207
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[Appendix 8—*contd.*]

Government entered into contracts with the Bombay and Mofussil Grass Trading Company for the storage of grass as a precautionary measure against famine at (1) Nawapur, Chinchpada and Khandbara and (2) Palghar, Dohad and Godhra. The necessary provision was made in the budget estimates under 43-A-Famine Relief. The first contract, viz., that for Nawapur, Chinchpada and Khandbara, has been cancelled and the contractors have been paid Rs. 50,000 as part compensation for the termination of their contract, with the approval of this Council. Government subsequently considered whether the contract for storage at Palghar, Dohad and Godhra should not be similarly cancelled and in the meanwhile no provision was made in this year's estimates for the continuance of the storage operations at these three places. It has now been decided that the contract should be continued till it is due to expire in March 1930, and a sum of Rs. 1,46,500 is accordingly required to finance operations during the current year.

A sum of Rs. 250 is also required to pay the accountants appointed by Government to examine the accounts of the contractors in connection with the cancellation of the Nawapur, Chinchpada and Khandbara contract.

In addition to these amounts, a sum of Rs. 457-3-9 is required on account of the payment of law charges in connection with an appeal preferred in the High Court by certain individuals under the Land Acquisition Act to determine the amount of compensation to be awarded by the Land Acquisition Officer in connection with the acquisition of certain land in the Panch Mahals District for the storage of famine fodder.

*Re-appropriation suggested*

Non-voted grant now reduced—	Demand voted and now increased—
43-B, Transfers to Famine Insurance Fund.	43-A, Famine Relief.
Rs. 3,32,125 — Rs. 1,80,507.	Rs. 7,04,875 + Rs. 1,80,507

FINANCE DEPARTMENT.

19th September 1927.



**APPENDIX 9**

**TRANSFERRED 5. The Honourable Sir GHULAM HUSAIN, HIDAYAT-ALLAH.**

**Construction of a bandhara at Hated in the West Khandesh Division**

The Satpudas contain almost inexhaustible supplies of grass but access to them is difficult on account of the absence of drinking water for men and cattle. For the improvement of water-supply in these grazing areas, Government have approved the construction of a bandhara at Hated in the Shirpur Range of the West Khandesh Division. A provision of Rs. 9,595 has been made for this work as shown below :—

Rs. 4,800 under “ 43-A—Famine Relief.”

Rs. 4,795 under “ 52-A—Capital Outlay on Forests.”

It is estimated that an expenditure of Rs. 4,800 will be incurred on it during the current year. As the work is to be executed through the agency of the Public Works Department, the expenditure is debitable to that Department under “ 41, Civil Works—Provincial.” As the money was urgently required, an amount of Rs. 4,800 was allotted by Government and the sanction of the Legislative Council is requested to the additional grant of this amount under the latter head. The corresponding grant voted under the head “ 43-A—Famine Relief ” will not be expended.

Demand voted and now increased

“ 41-Civil Works—Partly reserved and partly transferred.”

Rs. 1,48,80,000 + Rs. 4,800.

**FINANCE DEPARTMENT :**

22nd September 1927.

## APPENDIX 10

**RESERVED 6.** The Honourable Mr. J. L. RIEU.**Expenditure on Famine Relief Works in the Southern Division**

In February 1927 the Commissioner, Southern Division, after reviewing the agricultural situation in the Eastern portion of the Division, made certain suggestions for an expansion of the Public Works Department programme for 1927-28 with a view to meeting any demand for employment which might arise out of the partial failure of the rabi crops. The area affected was the whole of the Bijapur District and the Eastern portions of Belgaum and Dharwar. The Commissioner therefore proposed that the following works should be undertaken as soon after 1st April 1927 as practicable :—

Name of work	Amount of estimate	Expenditure likely to be incurred in view of scarcity during the current year	Remarks
	Rs.	Rs.	
1. Completing the gap in the Pala-Badami Road between Hirehal (Dharwar District) and the Malaprabha river at Tolachgud (Bijapur District).	36,280	5,000	The Commissioner, Southern Division, and the Superintending Engineer, Southern Circle, are of opinion that it is a very useful work. When it is completed and a causeway is constructed at Tolachgud later on, the road will be a first class through fair weather route connecting the Eastern parts of Dharwar and Bijapur Districts.
2. Building a causeway over the Benihalla at Navalgund (Dharwar Division) to carry the Annigeri-Bijapur Road.	44,769	8,000	A causeway carrying this road over the Malaprabha river at Govankop has been completed. The addition of the proposed causeway will establish through communication between Gadag and Hubli with Bijapur and the Northern part of the Belgaum District.
3. Resurfacing miles 49-51 of Nipani-Chikodi-Mudhol Road at Gurlapur up to Mudhol State limits.	8,000	3,970	Owing to inadequate repair grant due to the financial stringency this road is not in good order and especially miles 49-51 have greatly deteriorated. These miles were metalled in 1909-10 and again resurfaced with murum in 1917-18. The resurfacing proposed is very necessary.

Appendix 10—contd.]

Name of work	Amount of estimate	Expenditure likely to be incurred in view of scarcity during the current year	Remarks
	Rs.	Rs.	
4. Completing or repairing about eight miles (25 to 33) of Gotur-Tasgaon Road.	43,000	15,000	This is a direct fair weather road from Belgaum to Bijapur, Miraj and Tasgaon in Satara District and is in good condition throughout except for the portion eight miles in length. That portion is a cart track of the worst description and is liable to flooding from the Krishna river and the proposed improvement is necessary.
5. Repairing the section from Huvin Hippargi to Talikot, about thirteen miles of the Bagewadi-Talikot Road.	17,600	10,000	This is the main line of communication between Bijapur and the Nizam's Dominions and Talikot itself is a place of some commercial importance. The proposed works are therefore necessary.
6. Constructing a causeway near Talikot over the Don river.	43,326	1,000	
		42,970	

The proposal for the commencement of these works was agreed to by the Superintending Engineer, Southern Circle. Orders were accordingly issued in April 1927 to take them up as an expansion of the Public Works Department programme for 1927-28, on the understanding that the conditions prevailing in the areas rendered such scarcity relief works necessary and that they should be kept open only while the need for them as such existed.

Subsequently the Commissioner recommended, for similar reasons, the commencement of the work of improving miles Nos. 39-46 of the Hubli-Sholapur Road estimated to cost Rs. 44,153. The Hubli-Sholapur Road is a link road connecting Dharwar District with Kanara and Bijapur Districts, hence a very important arterial road. It has more importance now than it had in the past owing to the construction of the causeway at Govankop. Moreover, the road is situated well within the affected parts of the Dharwar District and thus affords relief to unskilled labour in the vicinity in need of employment. The Commissioner's recommendation was accepted by Government, and orders to take up the work were issued in May 1927, the amount required for expenditure on it during the current year being Rs. 6,000.

[Appendix 10—*contd.*]

If it is decided to complete any of these works, after the scarcity is over, as ordinary works, they will be financed from funds under the head 41, Civil Works—Provincial.

The total amount required under the head 43-A, Famine Relief for all the works mentioned above is Rs. 48,970 (Rs. 42,970 *plus* Rs. 6,000). This amount cannot be met from the provision under the head “43-A, Famine Relief” and the sanction of the Legislative Council is requested to the transfer of the amount from “43-B, Transfers to Famine Insurance Fund” to “43-A, Famine Relief.”

*Re-appropriation suggested*

Non-voted grant now reduced--	Demand voted and now increased—
43-B, Transfers to Famine Insurance Fund.	43-A, Famine Relief.

Rs. 3,32,125 — Rs. 48,970.

Rs. 7,04,875 + Rs. 48,970.

FINANCE DEPARTMENT :

23rd September 1927.

APPENDIX 11

**TRANSFERRED 7. The Honourable Sir GHULAM HUSAIN HIDAYATALLAH, Kt.**

**Expenditure due to floods**

Owing to the situation created by the recent disastrous floods in Gujarat and Sind it has become imperatively necessary to provide funds for emergent works and repairs which had to be started immediately in order to repair the damage caused to buildings and roads in the affected areas. As the reserves with Government were quite insufficient to meet this heavy and unforeseen expenditure, the officers concerned were directed to review their grants and to surrender all savings that might, for any reason, be anticipated by them, so that they might be utilised to meet the expenditure due to floods. The amounts required to meet the expenditure on repairs to buildings and roads under the head 41-Civil Works—Provincial are as follows :—

		Amount required in 1927-28	Amount required in 1928-29
		Rs.	Rs.
<i>Gujarat—</i>			
Repairs to buildings	..	.. 66,030	3,430
Repairs to roads	..	.. 2,05,285	71,799
		2,71,315	75,229
<i>Sind—</i>			
Repairs to buildings	..	.. 47,120	..
Repairs to roads	..	.. 32,500	..
		79,620	..
		3,50,935	

From the information now available it appears that the amount required in the current financial year to meet the expenditure necessitated by floods is Rs. 3,50,935. A sum of Rs. 2,35,935 can be made available from the savings reported by the local officers and from the reserves with Government under the head 41-Civil Works—Provincial (Transferred). A supplementary grant of Rs. 1,15,000 is therefore very urgently required and the sanction of the Legislative Council is requested thereto. An equivalent amount in the Reserve (Transferred) with the Finance Department has been set apart for the purpose.

*Re-appropriation suggested*

Demand voted and now reduced—	Demand voted and now increased—
47-Miscellaneous Transferred.	41-Civil Works—Partly Reserved and Partly Transferred.
Rs. 9,55,761 — Rs. 1,15,000.	Rs. 1,48,80,000 + Rs. 1,15,000.

FINANCE DEPARTMENT :

27th September 1927.

## APPENDIX 12

*Statement of demand for a supplementary grant***TRANSFERRED 9.** The Honourable Diwan Bahadur. HARILAL D. DESAI.

## Expenditure in connection with a donation for the X-ray Department of the Goculdas Tejpal Hospital, Bombay

A new block for the X-ray Department and library of the Goculdas Tejpal Hospital, Bombay, has recently been constructed and on the occasion of the opening ceremony by His Excellency of the Prince of Wales Wards, which have also been built lately at that institution, three generous donations of Rs. 75,000 for the X-ray Department and Rs. 10,000 for the library from Mr. Samaldas Purbhoodas Jeevandas, J. P., surviving trustee of a fund to be utilised in memory of his brother and his brother's wife, Seth Devidas Purbhoodas Kothari and Bai Hemkorbai Devidas, and of Rs. 2,000 for the library from Sir Temulji Nariman, Kt., a trustee of the N. J. Wadia Charity Fund, were offered. The last mentioned donation is not accompanied by any special conditions but certain conditions are attached to the former two donations and one of these is that Government will supply the staff and a sufficient grant to work the department and to maintain it and the library in efficient working order.

The question of acceptance of Mr. Samaldas' second donation of Rs. 10,000 is still under consideration. The average annual additional cost involved in the acceptance of the donation for the X-ray Department is estimated at Rs. 11,520 and the additional cost for five months of the current year, assuming that the proposals are sanctioned from 1st October 1927, will amount to Rs. 3,305.

The necessary buildings of the X-ray Department have been completed and are ready for the equipment. The Surgeon General had proposed the purchase of a new X-ray installation at this Hospital at an estimated cost of Rs. 65,000 but owing to financial stringency his proposal could not be adopted. This Department, when properly equipped, will be of the greatest value, both as regards the current work of the Hospital and its future development as a post graduate teaching course. It is moreover a department which is certain to grow rapidly and the facilities for training there will be very valuable and should lead to the institution of a practical course. With the new equipment proposed to be obtained a very large amount of actual treatment both X-ray treatment, electrical treatment and massage, in addition to the routine taking of X-ray skiagrams, can be commenced in this Department.

Having regard to the benefits thus excepted to accrue to the medical profession and the general public, Government are prepared to accept the donations for the X-ray Department and adopt the proposals regarding maintenance submitted by the Surgeon General with the Government of Bombay in that connection. The sanction of the Legislative Council is, therefore, requested to the grant of Rs. 3,305 to meet the additional

[Appendix 12—contd.]

expenditure involved in the acceptance of this donation during the current financial year. As no sufficient savings are available under the head "32-Medical," it is proposed to re-appropriate the amount of Rs. 3,305 from the Reserve under "47-Miscellaneous—Transferred." As this action involves transfer of funds from the head "47-Miscellaneous—Transferred" to "32-Medical—Transferred," sanction of the Legislative Council is necessary.

Details of the average annual additional cost and the cost during the current year are given below :—

	Average cost per annum	Cost for 5 months 1927-28
	Rs.	Rs.
<i>X-ray and Electro-Medical Department</i>		
1 Sister-in-charge on Rs. 250-10-300 (average 283 1/3).	3,400	1,250
1 X ray and Electrical Assistant on Rs. 60-5-80 10-100 (average Rs. 86 2/9).	1,034	300
1 Photographer and Dark Room Assistant on Rs. 100-10/2-160 (average Rs. 135 1/3).	1,624	500
1 Peon on Rs. 22 .. .. .	264	110
2 Hamals on Rs. 22 each .. .. .	528	220
Duty allowance to 1 Subordinate Medical Service Officer on Rs. 50 (i.e., Rs. 35 in addition to the existing Rs. 15).	420	175
Maintenance grant .. .. .	4,250	750
	11,520	3,305

*Re-appropriation suggested*

Demand voted and now reduced—	Demand voted and now increased—
"47-Miscellaneous—Transferred."	"32-Medical—Transferred."
Rs. 9,55,761 — Rs. 3,305.	Rs. 42,67,000 + Rs. 3,305.

FINANCE DEPARTMENT :

28th September 1927.

## APPENDIX 13

*Statement of demand for a supplementary grant***RESERVED 10.** The Honourable Sir Cowasji Jehangir.

Until now all the works pertaining to the Bombay Development Scheme being in the constructional stage, all expenditure incurred thereon was classified under the capital expenditure head "59-Bombay Development Scheme" and the interest and sinking fund charges incurred in connection with the borrowings of the Development Department for all works were merged in the provisions made under the heads "19,-Interest" and "21-Appropriation for reduction or avoidance of debt." As some of the schemes of the Development Department especially the industrial housing schemes, have now sufficiently developed to warrant the opening of a revenue account for the Bombay Development Scheme as a whole, it has been decided, with the sanction of the Secretary of State for India, to open a new revenue expenditure head "42-Civil Works (Development)" with a corresponding revenue receipt head "XXXI—Civil Works (Development)" with only one sub-head for the present, namely that pertaining to the industrial housing schemes. The sanction of the Legislative Council is requested to the following voted amounts on account of these industrial housing schemes being now provided under the new revenue expenditure head "42-Civil Works (Development)" :—

	Rs.
"A-Works and Acquisitions—Part II—Repairs and Maintenance" .. .. .	2,11,000
"B-Establishments" .. .. .	1,00,284
"C-Tools and Plant" .. .. .	2,000
Total ..	3,16,284

**FINANCE DEPARTMENT :**

28th September 1927.



APPENDIX 14

*Statement of demand for a supplementary grant*

**RESERVED 11.** The Honourable Sir Cowasji Jehangir.

Expenditure due to damage caused by floods to Irrigation Works

Owing to the situation created by the recent disastrous floods in Gujarat and Sind, it has become imperatively necessary to provide funds for emergent works and repairs which had to be started immediately in order to repair the damage caused to Irrigation works in the affected areas. As the reserves with Government were quite insufficient to meet this heavy and unforeseen expenditure, the officers concerned were directed to review their grants and to surrender all savings that might for any reasons be anticipated by them, so that they might be utilised to meet the expenditure due to floods. The amount required to meet the expenditure on emergent repairs to Irrigation Works under the heads "XIII-Irrigation, Navigation, Embankment and Drainage Works for which capital accounts are kept" and "15-Other Revenue Expenditure financed from ordinary revenues" is as follows:—

	Amount required in 1927-28	Amount required in 1928-29
	Rs.	Rs.
<i>Gujarat</i> —		
Repairs to Canals, tanks and protective bunds .. ..	2,05,000	2,55,000
<i>Sind</i> —		
Repairs to Canals .. .	50,000	....
	2,55,000	....

It will thus be seen that the amount required in the current financial year is Rs. 2,55,000. A sum of Rs. 72,000 can be made available from the savings reported by the local officers and from the reserves with Government under the heads "XIII" and "15." It is proposed to meet the balance required, viz., Rs. 1,83,000, by reappropriation from the Reserve with the Finance Department under "47-Miscellaneous—Reserved." As this action involves a transfer of funds between two voted grants, the sanction of the Legislative Council is necessary.

*Reappropriation suggested*

Demand voted and now reduced—	Demand voted and now increased
"47-Miscellaneous—Reserved.	Irrigation—Reserved (including
	"XIII-Working Expenses,"
Rs. 14,90,000 — Rs. 1,83,000.	"15-Other Revenue Expenditure
	financed from ordinary
	revenues" and "15 (1)-Other
	Revenue Expenditure financed
	from Famine Insurance Grant).
	Rs. 83,85,000 + Rs. 1,83,000.

FINANCE DEPARTMENT :

Bombay Castle,  
29th September 1927.

## APPENDIX 15

*Statement of demand for a supplementary grant***RESERVED 12. The Honourable Mr. J. L. Rieu.****Expenditure on flood relief**

In consequence of the phenomenal rainfall in the last week of July in the districts of Ahmedabad, Kaira, Broach and the Panch Mahals in Gujarat and Hyderabad and Thar Parkar in Sind relief measures to deal with the situation caused by the floods had to be undertaken. The Collectors were instructed to proceed with tagai grants to agriculturists for the restoration of lands, the purchase of seed and cattle, and the rebuilding of houses to the extent essential for the effective conduct of agricultural operations. They were also authorised to make free grants when charitable funds were not immediately available for relief of distress by the supply of food, clothing and the provision of temporary shelter.

2. The following expenditure has hitherto been incurred on measures for the alleviation of distress in the affected areas :—

(1) *Loan of Rs. 25,000 to the District Local Board Broach, for opening cheap grain shops.*—The District Local Board, Broach, decided to open cheap grain shops in the Ahmod and Jambusar talukas and asked for a loan of Rs. 25,000 without interest. The loan is to be returned when the shops are closed. As no charitable organisations were then reported to have opened such shops in this area, Government sanctioned the loan from the Famine Insurance Fund. The loan when returned will be credited to that Fund.

(2) *Grant of Rs. 75,000 to the Collectors of Broach and Ahmedabad for general relief measures.*—This is being utilised on the provision of materials for constructing huts, free distribution of seed and for general relief measures.

(3) *Grant of Rs. 15,000 for opening timber depôts in areas affected by the floods.*—The Chief Conservator of Forests has undertaken departmental operations to supply bamboos and small rafters for the flooded areas. The exact quantity of materials required has not yet been estimated. In the meanwhile an amount of Rs. 15,000 has been sanctioned. It will be expended in places from which export by rail or sea to the affected areas is easy.

(4) *Allotment of Rs. 2 lakhs for purchase of corrugated iron sheets.*—This amount is required for the distribution either free or at concessional rates of corrugated iron sheets to distressed people of the lowest classes for the construction of huts. From this amount a sum of Rs. 1,18,531-4-0 has already been paid to the Central Flood Relief Committee for the purchase of 500 tons of these sheets.

(5) *Advance of Rs. 10,000 for supply of seeds, etc.*—This amount was placed at the disposal of the Director of Agriculture for the supply of seeds, implements and bullocks for resowing in Gujarat.

(6) *Establishment of the Flood Relief Officer Gujarat (Rs. 2,076).*—Government appointed Mr. J. H. Garrett, I.C.S., as a special officer for a period of four months to co-ordinate the various activities of all

[Appendix 15—*contd.*]

Departments in the four districts of Gujarat which have been affected. The Special Officer is to keep directly in touch with the Bombay Central Flood Relief Committee and other non-official bodies in connection with the various forms of relief which these bodies are undertaking. To assist him in the work the following establishment has been sanctioned by Government :—

One clerk on Rs. 150 per mensem.

One typist on Rs. 75 per mensem.

One Naik on Rs. 18 per mensem.

Three peons on Rs. 16 per mensem each.

Conveyance allowance to clerk and typist Rs. 12 per mensem each.

Local allowance to peons Re. 1 each per mensem.

Travelling allowance Rs. 400.

Contingencies Rs. 400.

(7) *Appointment of a Flood Reconstruction Officer, Thar Parkar District (Rs. 3,000).*—It was necessary to appoint a special Mukhtiarkar as Flood Reconstruction Officer in the Thar Parkar for a period of four months, more specially to deal with the question of rehousing on sanitary lines, as the sub-divisional officers and Mukhtiarkars are too busy with the ordinary takavi and remission work. The extra charge on account of this officer and his establishment amounting to Rs. 3,000 as shown below was therefore sanctioned by Government :—

(1) Special Officer on Rs. 420 consolidated pay *plus* Rs. 5 tentage.

(2) One clerk on Rs. 80 per mensem.

(3) Two peons on Rs. 20 per mensem each.

(4) Contingencies Rs. 25.

(5) Travelling allowance Rs. 180 per mensem.

(8) *Tagavi Advances (Rs. 18,28,460).*—A large number of applications for tagavi for the purchase of seed, cattle, etc., has been received, and advances have been made as under :—

				Rs.
Ahmedabad	..	..	..	5,00,000
Panch Mahals	..	..	..	26,500
Kaira	..	..	..	5,00,000
Thar Parkar	..	..	..	6,00,000
Hyderabad	..	..	..	1,51,000
Broach	..	..	..	50,960

Total .. 18,28,460

It is estimated that a sum of 4 lakhs will be required in the Gujarat districts for tagavi for rabi seed.

3. Government have under consideration a scheme by the Registrar of Co-operative Societies for loans to Co-operative Reconstruction Societies, of which the cost is Rs. 6,00,000 approximately. An additional amount of Rs. 1,15,00,000 has been ear-marked for loans for reconstructing houses. Besides the above amounts, a sum of Rs. 10 lakhs is required

[Appendix 15—*contd.*]

for free grants of building materials to lower classes in Gujarat and Sind. This will include some of the amounts referred to in (2) and (3) above as already expended.

4. It is proposed to meet the direct expenditure amounting to Rs. 10,54,461 from the Famine Fund ; and the loans to agriculturists to the extent of 80 lakhs also from the Famine Fund ; the remainder of the loans will be met from the general balances.

5. The following grants are required :—

	Rs.
“ 43-A, Famine Relief ” .. .. .	10,55,076
“ Deposits and Advances—Famine Insurance Funds— Advances to cultivators ” .. .. .	80,00,000
“ Deposits and Advances—Loans and Advances by the Provincial Government ” .. .. .	63,53,400

Out of Rs. 10,55,076, a sum of Rs. 97,048 will be transferred from the balance remaining in the allotment under 43-B and the rest from the Famine Insurance Fund as stated in paragraph 4 above.

*Demand Voted and now increased*

(a) 43-A, Famine Relief—

Rs. 7,04,875 *plus* Rs. 10,55,076.

(b) Deposits and Advances—

Famine Insurance Funds—Advances to cultivators—

*Nil plus* Rs. 80,00,000.

(c) Deposits and Advances—

Loans and Advances by the Provincial Government—

Rs. 69,63,000 *plus* Rs. 63,53,400

FINANCE DEPARTMENT :

1st October 1927.

APPENDIX 16

**BILL No. XXXV OF 1927**

*A Bill further to amend the Bombay Port Trust Act, 1879*

(As published in the "Bombay Government Gazette" of the  
29th September 1927)

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; And Whereas the previous Bom. VI of sanction of the Governor General required by section 80A (3) of the 1879. Government of India Act has been obtained for the passing of this Act; 5 & 6 Geo. V, It is hereby enacted as follows:— c. 61.

1. *Short Title.*—This Act may be called the Bombay Port Trust (Amendment) Act, 1927.

2. *Amendment of section 22 of Bom. VI of 1879.*—After sub-section (6) of section 22 of the Bombay Port Trust Act, 1879, hereinafter called Bom. VI of the said Act, the following shall be inserted, namely:— 1879.

"Contributions to welfare fund.—(6-A) for authorizing the payment of contributions to any welfare fund which may be established by the Board for the benefit of the officers and servants appointed under this Act and the Chairman:

"Contributions or appropriations to special funds.—(6-B) for authorizing the payment of contributions or appropriations to any special fund or funds which may be established by the Board for any of the purposes of this Act:

Provided that no such special fund shall be established without the previous sanction of Government; and the maximum amount to which any such special fund may be allowed to accumulate shall be fixed from time to time by Government."

3. *Amendment of section 49 of Bom. VI of 1879.*—In section 49 of the said Act,—

(a) for clause (1) the following shall be substituted, namely:—

"(1) (i) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act;

(ii) the contributions, if any, duly authorized to be made,

(a) to any provident fund established by the said officers and servants, or,

(b) to such provident fund or welfare fund, if any, as may be established by the Board for the benefit of such officers and servants and the chairman;

(iii) the contributions or appropriations to such special fund or funds as may be established by the Board for any of the purposes of this Act; and

(iv) if any such provident fund or welfare fund or special fund be established by the Board, the cost and expenses, if any, which may be incurred by the Board in the conduct and administration thereof;"

[Appendix 16—*contd.*]

(b) the following proviso shall be added to the said section, namely :—

“ Provided also that the Board shall have power and shall be deemed always to have had power at any time to apply, with the sanction of the Government, the moneys credited to the general account in payment of any other charge not included in the foregoing clauses of this section.”

4. *Amendment of section 50 of Bom. VI of 1879.*—In section 50 of the said Act, —

(a) the following shall be added to clause (3), namely :—  
“ or welfare fund ;” and

(b) the following shall be inserted as clause (6), namely :—

“ (6) the payment of contributions or appropriations to any special fund or funds established by the Board under the provisions of this Act to which the Board consider contributions or appropriations should be made from the pilotage account as well as or instead of from the General Account.”

#### STATEMENT OF OBJECTS AND REASONS

The Board have from time to time created certain special funds by appropriation from revenue for purposes of replacements or for meeting expenditure caused by loss or damage from fire, shipwreck or other accident or by depreciation to property or investments, or other emergency arising out of the conduct of their operations under this Act. It is also considered desirable to establish an Employees Welfare Fund for the purpose of providing subscriptions or donations, as may in the opinion of the Board be necessary, for the upkeep and financial assistance of clubs, institutes or other objects connected with the welfare of employees and for payment of rewards to employees for life saving or other meritorious acts. There is, however, no specific provision in the Act empowering the Board to establish such funds. Clauses 2, 3 (a) and 4 of the Bill, therefore, give the Board the necessary power to establish these and other similar funds for the purposes of the Act.

The amendment contained in clause 3 (b) is considered necessary to enable the Board to make payments in respect of unforeseen items of expenditure not expressly mentioned in section 49. Under the existing Act all the monies credited to the General Account have to be applied by the Trustees of the Bombay Port Trust in payment of the charges specifically mentioned in section 49 of the Act, but it has been found from actual experience that the business of a great public body like the Bombay Port Trust cannot be carried on without the expenditure, from time to time, of small sums of money, the necessity for all of which could not possibly have been foreseen when the Act was framed, and which, with the changing circumstances which necessarily attach under modern conditions, cannot all be foreseen now. It would involve expense and very considerable delay if the Act had to be altered so as to legalise various payments which, from time to time, might be found to be necessary, but which were not provided for by the Act. It is proposed

[Appendix 16—*contd.*]

therefore to add a further proviso to section 49 of the Act empowering Government to sanction the payment of any charge which is not expressly or impliedly authorised by the Act. The fact that the Trustees will have to apply to Government for sanction for such payments will provide any safeguard which may be considered necessary for the protection of the monies of the Trustees. In order to remove any doubts as to the legality of any necessary expenditure already incurred with the sanction of Government but which is not expressly authorised by section 49, provision has been made that the Board shall be deemed always to have had power at any time to apply, with the sanction of the Government, the monies credited to the General Account, in payment of any other charge not mentioned in the section.

COWASJEE JEHANGIR (JR.).

## APPENDIX 17

## BILL No. XXXIII OF 1927

*A Bill further to amend the Bombay District Police Act, 1890*

(As published in the "Bombay Government Gazette" of the  
24th September 1927)

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 and 6 Geo.  
V, c. 61.

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 1927.

*Cf. Bom. IV of 1902, s. 3 (b).* 2. *Amendment of section 3 of Bom. IV of 1890.*—In clause (b) of section 3 of the Bombay District Police Act, 1890, hereinafter called the said Act, after the word "Act" the words "and shall include, subject to the provisions of sub-section (2) of section 22-A, an additional police officer" shall be inserted.

*Cf. Bom. IV of 1902, s. 9.* 3. *New section 22-A of Bom. IV of 1890.*—After section 22 of the said Act the following section shall be inserted, namely:—

"22-A. *Power to appoint additional police officers.*—(1) Any District Superintendent may in his discretion appoint, for such time and on such pay, and of such rank or grade, as he shall think fit, additional police officers to keep the peace or preserve order at any place, or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,—

(a) on the application of any person, at the charge of such person, or

(b) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on :

(2) Every additional police officer so appointed shall, on appointment,—

(a) receive a certificate in the form of Schedule C ;

(b) be vested with all or such of the powers, privileges and duties of a police officer as are specially mentioned in the certificate ; and

(c) be subject to the orders of the District Superintendent.

(3) *Notice to be given for discontinuance.*—In any case in which such police officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the District Superintendent of such notice or on the expiry of such shorter period as the District Superintendent may fix, the appointment of such police officers shall cease.

(4) *Payments to be accounted for.*—All moneys received by the District Superintendent for the payment of any such additional police officers shall be accounted for by him.

(5) *Disputes as to payment of cost.*—In the event of any dispute in any case under this section the decision of the District Magistrate shall



[Appendix 17—*contd.*]

be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the District Superintendent, be recovered by the Collector from such person as an arrear of land revenue."

4. *New section 51A of Bom. IV of 1890.*—After section 51 of the said Act the following section shall be inserted, namely :—

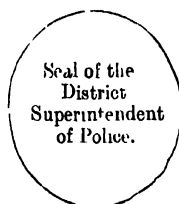
"51A. *When police may arrest without a warrant.*—Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 4, 5 or 6 of the Prevention of Cruelty to Animals Act, 1890."

5. *Schedule C.*—After Schedule B to the said Act the following schedule shall be inserted, namely :—

"SCHEDULE C

(See section 22-A)

*Form of certificate for additional police officer appointed under section 22-A*



A. B. has been appointed by the District Superintendent of Police to the police of the district of \_\_\_\_\_ and is vested with the powers, functions and privileges of a police officer under sections \_\_\_\_\_ of the Bombay District Police Act, 1890, for the purposes of sections \_\_\_\_\_."

## STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to enable the agents of the Society for the Prevention of Cruelty to Animals to be vested with the powers of a police officer in places to which the Bombay District Police Act, 1890, applies. In the City of Bombay the agents of the Society are invested with the powers of a police officer under section 9 of the City of Bombay Police Act, 1902, but there is no corresponding section in the Bombay District Police Act, 1890, under which the agents of the Society can be invested with similar powers. It is, therefore, proposed to insert a section in the Bombay District Police Act, 1890, similar to section 9 of the City of Bombay Police Act, 1902.

2. In order to make the working of the Prevention of Cruelty to Animals Act practicable, offences under sections 3, 4, 5 and 6 of that Act have been made cognizable by clause 4 which is based on section 33 (i) of the City of Bombay Police Act, 1902.

J. E. B. HOTSON.

## APPENDIX 18

*Statement of demand for a supplementary grant***RESERVED 13.** The Honourable Mr. J. L. RIEU.

Additional Tagavi advances in the Ahmednagar, West Khandesh, Broach, Karachi, Satara and Bijapur Districts.

The allotments sanctioned during the current year for tagavi advances in the Ahmednagar, West Khandesh, Karachi, Broach (before the floods). Satara and Bijapur Districts were found to be insufficient. As additional allotments were urgently required, they were sanctioned as shown below :—

					Rs.
Ahmednagar	..	..	..	..	1,00,000
West Khandesh		..	..	..	20,000
Karachi	..	..	..	..	14,000
Satara	..	..	..	..	10,000
Broach (before floods)	..	..	..	..	45,000
					<hr/>
					1,89,000

An additional allotment of Rs. 25,000 is required in the Bijapur District.

The sanction of the Legislative Council is required to an additional grant of Rs. 2,14,000. Out of this Rs. 1,54,000 will come from savings in the loan funds and Rs. 60,000 from balances.

*Demand voted and now increased*

Deposits and Advances—Loans and Advances by Provincial Government—

Rs. 69,63,000 *plus* 2,14,000

**FINANCE DEPARTMENT :**

1st October 1927.

# APPENDIX 19

## Statement of demand for a supplementary grant covered by reappropriation

**RESERVED 14.** The Honourable Mr. J. L. RIEU.

Grant for the maintenance of, and repairs to, the kadbi stacks in the Sholapur District (Rs. 5,600).

Kadbi has been stored at various centres in the Sholapur District as a reserve against famine. The kadbi stacks were provided with roofing with iron sheets. The stacks which had been provided with double sheet roofing are in good condition, but the system of single sheet roofing with corrugated iron sheets which was adopted at some depôts has not proved satisfactory. The roofs of these stacks were recently blown away by heavy winds. The two sheet roofing was therefore adopted at these depôts also. Immediate action was necessary as the rains had started and there was danger of water getting in, if repairs were not effected quickly. An expenditure of Rs. 4,230 was therefore incurred and an additional sum of Rs. 270 will be required for further repairs.

2. A sum of Rs. 1,100 is required for payment to the rakhwaldars in charge of these depôts. The details of this expenditure are as follows :—

	Rs.
Pay of 7 rakhwaldars at Rs. 12 per mensem each and 2 temporary men at Rs. 15 per mensem each employed from 1st March 1927 to 31st May 1927 <i>plus</i> Rs. 3 contingency per mensem (Rs. 117)	351
Pay of 6 rakhwaldars at Rs. 12 per mensem each <i>plus</i> Rs. 2 contingency per mensem from 1st June 1927 to 28th February 1928	666
Unforeseen expenditure	83
Total ..	1,100

3. The total expenditure on account of the items specified in paragraphs 1 and 2 amounts to Rs. 5,600. No provision was made in the current year's budget for the purpose. The sanction of the Legislative Council is now requested to the transfer of this amount from "43-B-Transfers to Famine Insurance Fund" to "43-A, Famine Relief."

## Re-appropriation suggested

Non-voted grant now reduced— 43-B, Transfers to Famine Insurance Fund.	Demand voted and now increased— 43-A, Famine Relief.
Rs. 3,32,125 – Rs. 5,600	Rs. 7,04,875 <i>plus</i> Rs. 5,600.

FINANCE DEPARTMENT :

4th October 1927.

## APPENDIX 20

*Statement of Demand for a supplementary grant*

**TRANSFERRED 15.** The Honourable Dewan Bahadur HARILAL D. DESAI.

Expenditure in connection with extra sanitary measures required to be undertaken in Gujarat as a result of the floods

As a result of the recent floods in Gujarat insanitary conditions prevail in many localities. While these conditions continue there is risk of an outbreak of epidemic disease and a rise in the incidence of diseases like malaria, dysentery, enteric fever. The local bodies concerned are primarily responsible for the sanitary measures required, but in view of the extraordinary situation created by the floods, Government have decided to provide funds for special measures of relief which may be deemed necessary by the Public Health Department. It is difficult to frame an accurate estimate of the cost of the measures which may be required. In anticipation of the sanction of Government the local officers have already spent more than Rs. 6,000 for such sanitary measures as were deemed essential by the Public Health Department. In addition the Department expects to spend about Rs. 5,000 more on supply of disinfectants and the employment of conservancy staff. The funds available under "33-Public Health" under the control of the Director of Public Health have already been seriously depleted by the expenditure on measures to combat the cholera epidemic in the Southern and Central Divisions. The sanction of the Legislative Council is therefore requested to a lump grant of Rs. 12,000 for extra sanitary measures as a result of the floods under "33, Public Health." As no provision exists in this year's budget for this unforeseen charge, it is proposed to meet it from the Reserve (Transferred) with the Finance Department.

*Re-appropriation suggested*

Demand voted and now reduced—	Demand voted and now increased—
47-Miscellaneous—Transferred.	"33-Public Health"
Rs. 9,55,761—Rs. 12,000	Rs. 21,03,000 <i>plus</i> Rs. 12,000.

FINANCE DEPARTMENT :

5th October 1927.

APPENDIX 21

BILL No. XXX OF 1927

*A Bill further to amend the Bombay Children Act, 1924*

(As published in the "Bombay Government Gazette" of the  
23rd September 1927)

WHEREAS it is expedient further to amend the Bombay Children Act, Bom. XIII of 1924, in manner hereinafter appearing: AND WHEREAS the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Children (Amendment) Act, 1924.

2. *Amendment of section 7 of Bom. XIII of 1924.*—To sub-section (2) of section 7 of the Bombay Children Act, 1924, hereinafter called the said Act, the following proviso shall be added, namely:—

“ Provided that when the Court is presided over by a salaried Presidency Magistrate, such examination need not be reduced to writing, but the Court may, if it thinks fit, before the matter is brought before it, require the matter to be reduced to writing.”

3. *Amendment of section 51 of Bom. XIII of 1924.*—For clause (a) of sub section (1) of section 51 of the said Act, the following shall be substituted, namely:—

“ (a) if passed by a juvenile court:—

(i) in the City of Bombay, to the Chief Presidency Magistrate; and

(ii) in any other place to which the Act applies, to a District Magistrate.”

STATEMENT OF OBJECTS AND REASONS

The objects of this Bill are explained in the following notes on clauses:—

*Clause 2.*—It has been suggested that the procedure of the juvenile court will be simplified if a proviso on the lines of proviso (b) to section 200 of the Code of Criminal Procedure, 1898, is added to section 7 (2) of the Act. The amendment in this clause gives effect to this suggestion.

*Clause 3.*—It has been suggested that section 51 (1) (a) of the Act does not expressly provide for appeals against orders passed by a juvenile court in the City of Bombay as there is no District Magistrate in the City of Bombay. This clause, therefore, makes the necessary provision.

J. E. B. HOTSON.

## APPENDIX 22

## BILL No. XXXII OF 1927

*A Bill further to amend the Bombay Public Conveyances Act, 1920*

(As published in the "Bombay Government Gazette" of the  
24th September 1927)

Bom. VII of 1920  
5 and 6 Geo. V, Ch. 61.

WHEREAS it is expedient further to amend the Bombay Public Conveyances Act, 1920, in manner hereinafter appearing: And Whereas the previous sanction of the Governor General required by section 80-A (3) of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Public Conveyances (Amendment) Act, 192 .

Bom. VII of 1920.

2. *Amendment of section 2 of Bom. VII of 1920.*—In section 2 of the Bombay Public Conveyances Act, 1920, hereinafter called "the said Act," for clause (c) the following clause shall be substituted, namely:—

"(c) 'licensing year' means the year commencing on such date as the Commissioner of Police shall, subject to the condition of previous publication, fix for the purpose of licenses granted under this Act."

3. *Amendment of section 6 of Bom. VII of 1920.*—In sub-section (2) of section 6 of the said Act for the words, figures and brackets "a fee at one-half of the rate chargeable for the grant of a license for a public conveyance under section 7, sub-section (1), shall be charged" the following words shall be substituted, namely:—

"the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct."

4. *Amendment of section 8 of Bom. VII of 1920.*—To section 8 of the said Act the following sub-section shall be added, namely:—

"(5) Such licenses shall be carried in the public conveyance for drawing which the horse is being used and shall be produced for inspection whenever required by any police officer."

5. *Amendment of section 9 of Bom. VII of 1920.*—In section 9 of the said Act for the word "shall" the words "may, if he thinks it necessary," shall be substituted.

6. *Amendment of section 13 of Bom. VII of 1920.*—In sub-section (1) of section 13 of the said Act for the word "shall" the word "may" shall be substituted.

7. *New section 16-A of Bom. VII of 1920.*—After section 16 of the said Act the following section shall be inserted, namely:—

"16A. *Licensee to report name of person left in charge of conveyance during his absence.*—Whenever the licensee of a public conveyance shall

[Appendix 22—*contd.*]

be absent from the City of Bombay for a period exceeding fifteen days he shall, if the public conveyance is used for the purpose of plying for hire, give, previous to his departure notice thereof in writing signed by himself to the Commissioner of Police. Such notice shall state the name of the person left in charge of the public conveyance. Such person shall, until the return of the licensee, perform all the duties of a licensee of a public conveyance and be liable to all the penalties to which such licensee is liable under this Act."

8. *Amendment of section 19 of Bom. VII of 1920.*—To section 19 of the said Act the following words shall be added, namely :—

"and may, at any time, abolish any such stand or place."

9. *Amendment of section 26 of Bom. VII of 1920.*—In section 26 of the said Act,—

(a) in sub-section (1) for the words "without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge" the words "without a badge, if he has received a badge from the Commissioner of Police or, when acting as such driver, shall fail to wear a badge so received" shall be substituted;

(b) in clause (e) of sub-section (2) for the word and figure "section 11" the words and figures "section 8 or section 11" shall be substituted.

10. *Amendment of section 27 of Bom. VII of 1920.*—After clause (b) of section 27 of the said Act the following clause shall be inserted, namely :—

"(bb) who, before leaving the City of Bombay for a period exceeding fifteen days shall fail to give notice thereof in writing signed by himself to the Commissioner of Police, or".

11. *Amendment of section 31 of Bom. VII of 1920.*—In sub-section (2) of section 31 of the said Act for the words "nearest police officer of rank not below that of inspector" the words "officer in charge of the nearest police station" shall be substituted.

12. *Amendment of section 35 of Bom. VII of 1920.*—In section 35 of the said Act,—

(a) for sub-section (1) the following shall be substituted, namely :—

"(1) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with this Act,—

(a) fixing the sum to be paid towards the cost of an inscription under sub-section (2) of section 6;

(b) generally for the regulation of public conveyances."

(b) After sub-section (2) the following sub-section shall be inserted, namely :—

"(3) such rules may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees."

13. *Amendment of section 36 of Bom. VII of 1920.*—In section 36 of the said Act,—

(a) for clause (c) of sub-section (2) the following shall be substituted, namely :—

[Appendix 22—*contd.*]

“(c) may by notification direct that any class of vehicles shall be exempt from all or any of the provisions of this Act ”;

(b) after sub-section (3) the following sub-section shall be inserted, namely :—

“(3A) When this Act or any specified provisions thereof are extended to any area by a notification under this section the expression ‘ City of Bombay ’ occurring in the foregoing provisions of this Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification ; ”

(c) in sub-section (4) after the word “ appointing ” the words “ and abolishing ” shall be inserted.

14. *Substitution of a new section for section 37 of Bom. VII of 1920.*—For section 37 of the said Act the following shall be substituted, namely :—

“ 37. *Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.*—The Governor in Council, or, in any area to which this Act or any specified provisions thereof have been extended under section 36 the Commissioner in Sind, or the Commissioner of a division, as the case may be may, by notification in the *Bombay Government Gazette*, apply or adapt all or any of the provisions of this Act, except those which relate to plying for hire or any part of any such provision, to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

*Explanation.*—A vehicle shall not be deemed to be kept for hire if it is let for hire only occasionally by private agreement.”

## STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to make certain amendments in the Bombay Public Conveyances Act, 1920, which appear necessary in the light of experience gained in the working of the Act during the last seven years. The amendments are explained in the following notes on clauses.

*Clause 2.*—Under section 2 (c) of the Act “ licensing year ” means the calendar year commencing on the first day of January of each year. Conditions vary in different districts and it is believed that it will lead to administrative convenience if the year is left to be fixed by the Commissioner of Police (or other corresponding officer) to suit local conditions instead of being fixed by a legislative enactment. This clause, therefore, gives the Commissioner of Police the power to fix the licensing year after previous publication.

*Clause 3.*—This clause is intended to reduce the fee levied at present under sub-section (2) of section 6 for making the inscription required by section 3 at any time other than when a license is granted or renewed at the annual renewal, and to provide that for any such inscription a licensee should pay the actual cost of making the inscription only. The amount of such cost will be determined in accordance with rules made in this behalf by the Commissioner of Police.



[Appendix 22—*contd.*]

*Clause 4.*—This amendment is necessary to facilitate the detection of unlicensed horses which are used for drawing public conveyances.

*Clause 5.*—Section 9 of the Act makes it obligatory on the Commissioner of Police to brand a horse when granting a license. The number of horses used for public conveyances must necessarily vary with the area and population of a place and in some places both licensing and branding are found unnecessary. This clause, therefore, provides that horses shall be branded, besides being licensed, only if the Commissioner of Police thinks that branding is necessary.

*Clause 6.*—Under section 13 as it stands at present the Commissioner of Police is bound to provide badges to drivers of public conveyances. It is considered desirable to make the provision optional so as to enable the Commissioner of Police or the corresponding officer in the mofussil, to dispense with badges if he thinks that local conditions do not require them to be provided.

*Clause 7.*—Owners (licensees) of public conveyances often leave the place for which their license is granted and stay away for a long time leaving some person in charge of their business ; but they do not inform the Police Department of this change. It, therefore, becomes very difficult, should a licensee be required (*vide* section 32), to ascertain during his absence, who has been left in charge. This clause provides for such difficulty.

*Clause 8.*—Calls for no remarks.

*Clauses 9 and 10.*—The amendments made by these clauses are consequential.

*Clause 11.* - In the mofussil every officer in charge of a police station is not necessarily an Inspector and parties to a dispute under section 31 are put to inconvenience by having to go to an officer of the rank mentioned in sub-section (2) of that section. This clause is intended to remove this inconvenience.

*Clause 12 (b).*—It is necessary to give the Commissioner of Police power to provide a penalty for a breach of the rules made under section 35 if the rules are not to be a dead letter. As for the amendment made by clause 12 (a) *vide* clause 3.

*Clause 13 (a).*—In view of revised section 37 contained in clause 14, section 36 (2) (c) (ii) becomes superfluous.

Sub-clauses (b) and (c) call for no remarks.

*Clause 14.*—This clause is an amplification of existing section 37. The High Court has decided that a conveyance which is ordinarily let for hire but which is not used for the purpose of plying for hire is not a public conveyance within the meaning of the Act. It is desirable that every conveyance which is kept or ordinarily let to the public for hire should be brought within the purview of the Act. This clause, therefore, gives power to the Governor in Council in the City of Bombay, and elsewhere to the Commissioner, to apply all or any of the provisions of the Act or any part of any such provision, or, if they cannot be conveniently applied as they stand, to adapt the same to any vehicles or to any class

[Appendix 22—*contd.*]

of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire. Conveyances which may be let for hire only occasionally but which are not kept or ordinarily let for hire are excluded.

J. E. B. HOTSON.

## APPENDIX 23

### BILL No. XXII OF 1927

*A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922*

**As published in the "Bombay Government Gazette" of the  
(11th August 1927)**

Bom. IV of 1922. WHEREAS it is expedient to amend the Mahul Creek (Extinguishment of Rights) Act, 1922, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Mahul Creek [Extinguishment of Rights (Amendment)] Act, 1922.

Bom. IV of 1922. 2. *Amendment of preamble and section 2 of Bom. IV of 1922.*—In the preamble and section 2 of the Mahul Creek (Extinguishment of Rights) Act, 1922, hereinafter called the said Act, the words "tidal rights and" shall be repealed.

3. *Amendments made by section 2 to have retrospective effect.*—The amendments made by section 2 shall be deemed to have been made and to have had effect from the date on which the said Act came into operation.

### STATEMENT OF OBJECTS AND REASONS

When Bombay Act IV of 1922 was passed, it was intended to extinguish rights of navigation only in the part of the Mahul Creek described in section 2 of the said Act. The words "tidal rights" occurring in the preamble and section 2 of the said Act which were suggested in the provisional draft of the Bill, however, remained till the Act was passed. This Bill is, therefore intended to give effect to the original intention by an amendment of the preamble and section 2 of the Act so as to extinguish rights of navigation in the creek only. As the amendments proposed in clause 2 are intended to carry out the original intention, clause 3 gives them retrospective effect from the date on which Bombay Act IV of 1922 came into operation.

26th July 1927.

COWASJI JEHangIR (JUNIOR).

APPENDIX 24

BILL No. XXXI OF 1927

*A Bill to amend the Bombay Primary Education Act, 1923*

(As published in the "Bombay Government Gazette" of the  
24th September 1927)

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows :— Bom IV of 1923.

1. *Short title.*—This Act may be called the Bombay Primary Education (Amendment) Act, 192 .

2. *Amendment of section 9 of Bombay IV of 1923.*—In sub-section (1) of section 9 of the Bombay Primary Education Act, 1923, for the words "on the recommendation" the words "after considering the suggestions, if any," shall be substituted. Bom. IV of 1923.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to remove the doubts which have been expressed as to the power of a local authority to appoint the School Board Administrative Officer under sub-section (1) of section 9 of the Act. It has even been contended that under the existing section a local authority can appoint a School Board Administrative Officer only if a recommendation is made by a School Board and that when such a recommendation is made the local authority has no option but to accept it as binding. It is evident that such could not have been the intention of the legislature as it would leave the parent body, which is responsible for financing the School Board, practically no voice in the matter. This Bill, therefore, makes it clear that the power to appoint the School Board Administrative Officer shall, subject to the approval of Government, be vested in the local authority alone and that while it shall be the duty of a local authority to consider the suggestions, if any, of the School Board before making the appointment of a School Board Administrative Officer, the local authority shall not be bound to accept such suggestions.

HARILAL D. DESAI.

## BILL No. XXIII OF 1927

*A Bill further to amend the Gujarat Talukdars' Act, 1888*

(As introduced on the 6th August 1927 and published in the  
"Bombay Government Gazette" of the 25th August 1927)

Bom. VI of 1898. WHEREAS it is expedient to amend the Gujarat Talukdars' Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of 5 and 6 Geo. V, c. 61. the Governor required by the section 80C of the Government of India Act has been obtained; It is hereby enacted as follows:—

1. This Act may be called the Gujarat Talukdars' (Amendment) Act, 192

Bom. VI of 1888. 2. *Repeal of section 31.*—Section 31 of the Gujarat Talukdars' Act, 1888, is hereby repealed.

Bom. VI of 1888. 3. *Amendment of section 33 (1).*—In sub-section (1) of section 33 of the Gujarat Talukdars' Act, 1888, omit the words "127 to 136, both inclusive."

## STATEMENT OF OBJECTS AND REASONS

*Clause 2.*—Protection given by section 31 to the Talukdars for the preservation of the integrity of Talukdari estates has been misused and Talukdars, feeling secure under the protecting section, have led extravagant lives, bringing chronic indebtedness in their train. Even Government are tired of managing indebted estates and are leasing them or allowing them to be leased to private individuals who ruthlessly exploit the cultivators with a view to wring maximum profit out of the bargain. The repeal of section 31 will compel the Talukdars to keep their expenditures below their incomes and will remove a fruitful source of hardship and misery to their inferior holders.

*Clause 3.*—It is desirable that the exemption from the sections 127 to 136, both inclusive, of the Land Revenue Code, 1879, granted to Talukdars should be removed in order that it would be possible to determine the respective rights of Talukdars and their subjects by regular survey of their village sites and by introduction of record of rights.

JETHALAL CHIMANLAL SWAMINARAYAN.

APPENDIX 26

**BILL No. XXV OF 1927**

*A Bill further to amend the City of Bombay Municipal Act, 1888*

**(As introduced on the 6th August 1927 and published in the  
"Bombay Government Gazette" of the 25th August 1927)**

In sub-section (2) of section 11 of Bombay Act III of 1888 as amended by Act I of 1925—

“As a place of residence” between the words “occupied” and “of which” and also substitute word “five” instead of “ter” the last word of the same paragraph.

**THE STATEMENT OF OBJECTS AND REASONS**

Under the present Act a trader who is a sub-tenant may hold two or more votes one for his place of business and another for his place of residence as the same name appears either twice in one and the same ward or in different wards if he has business place in one ward and a residence in another ward. This is not right as it leads to multiple voting and therefore the system is faulty and should be stopped.

The lowering of franchise to Rs. 5 is a necessary step in advancing real democracy. In other urban areas the franchise has been reduced and a vote is given to a tenant who pays Re. 1 per month. Moreover owing to the depressed condition of trade in the city of Bombay, the Government has been obliged to reduce rents of the Development Department Chawls and a large number of people who had upto now a right of voting will be disfranchised and therefore the lowering the franchise is desirable.

R. S. ASAVALE.

## APPENDIX 27

## BILL No. XXVI OF 1927

*A Bill further to amend the Bombay City Municipal Act,  
No. III of 1888*

(As introduced on the 6th August 1927 and published in the "Bombay Government Gazette" of the 30th August 1927)

WHEREAS it is expedient further to amend the law relating to the Municipal Government of the City of Bombay; it is enacted as follows :—

I. This Act may be called the City of Bombay Municipal Act No. of 192 .

Bom. III of  
1888.

II. In sub-section (1) of section 5 of the City of Bombay Municipal Act, 1888 :—

The word "seventy-six" in line 3 shall be substituted by the word "eighty-nine."

The word "sixteen" in line 5 shall be substituted by the word "eight" and

The word "ten" in line 12 shall be substituted by the word "five."

Bom. III of  
1888.

III. In sub-section 3 of section 24 of the City of Bombay Municipal Act, 1888, between the words "to be elected for each Ward" and the words "shall be specified in Schedule B" the following shall be inserted :—

"and the number, if any, of seats reserved for Backward and Depressed Classes."

Bom. III of  
1888.

IV. The following shall be inserted as sub-section 4 of section 24 of the City of Bombay Municipal Act, 1888 :—

"For the purposes of the reserved seats 'Backward Classes' shall mean persons belonging to any of the following Marathi speaking Hindu castes, viz., the Maratha, Kunbi, Mali, Koli, Bhandari, Shimpi, Lohar, Kumbhar, Bhoi, Bori, Lonari, Bhavin, Deoli, Shinde, Ahir, Khatri, Parit, Gabit, Gavad, Gavandi, Gavli, Gurav, Nhavi, Kasai, Kasar, Koshti, Sali, Sangar, Sutar, Teli, Agle or Agri and Vanjari castes."

"For the same purposes Depressed Classes shall mean persons belonging to any of the following castes, namely, the Mahar, Chambhar, Mang, Dhed and Bhanghi castes."

"Provided the Local Government may notify in the *Gazette* any other caste as being entitled to the benefit of reserved seats by declaring it to belong as the case may be either to the Backward Classes or the Depressed Classes whereupon it shall be held to be entitled to such benefit."

[Appendix 27—*contd.*]

V. The last column of Schedule B of the City of Bombay Municipal Act, 1888, shall be repealed and the following three columns shall be substituted for it:—

Consecutive No.	Name of the Ward	Boundaries	Number of members to be elected for each Ward	Number of seats reserved for Backward Classes	Number of seats reserved for Depressed Classes
1	....	....	7	1	1
2	....	....	11	1	1
3	....	....	16	1	1
4	....	....	12	1	1
5	....	....	18	2	2
6	....	....	12	2	1
7	....	....	13	2	1

VI. In line 11 of sub-section 2 of section 11 of the City of Bombay Municipal Act, 1888, the word "ten" shall be substituted by the word "five."

VII. Sections I to V (both inclusive) of this Act shall come into operation from the 1st of January 1929. Section VI of this Act shall come into operation on the 1st of October 1926.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to democratise the constitution of the Municipality of the City of Bombay.

It has been a matter of bitter experience that in a general election the Representatives of the Backward and the Depressed Classes are nowhere and in their absence there is hardly any one to pay heed to the grievances of these unfortunate classes. To do away with such a sad state of affairs the Bill proposes a scheme of Reserved Seats in the interests of these two classes. However in setting apart seats for these two classes particular care is taken to preserve as far as possible the number of seats now open to general election. This is done by reducing the number of seats that are at present filled up by nomination and co-option each one-half and adding them to the seats that are filled up by election. The result is that notwithstanding the reservation of 18 seats for the Backward and the Depressed Classes there remain under the new scheme 71 free seats.

Occasion is also taken to correct distribution of the elected seats to be filled up by each Municipal Ward by introducing the more democratic principle of representation according to population.

Another important change in the Municipal constitution which the Bill seeks to make is to lower the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise it has been found that out of a total population of 11,37,782 population numbering 10,42,488 is deprived of the vote. In these days it is undesirable to allow 11,37,782 people to be governed by 95,294.

S. K. BOLE.

## APPENDIX 28

## BILL No. XXVII OF 1927

*A Bill further to amend the City of Bombay Municipal Act  
(Act No. III of 1888)*

(As introduced on the 6th August 1927 and published in the  
"Bombay Government Gazette" of the 30th  
August 1927)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in the manner hereinafter provided ; it is hereby enacted as follows :—

1. In section 5 (1) of the said Act the clause, "The Corporation shall consist of one hundred and six councillors," shall be substituted by "The Corporation shall consist of one hundred and ten councillors."

2. In the same section 5 (1) of the said Act, before the clause "And ten co-opted councillors elected by....." the following shall be added :—

"Four shall be representatives of labour employed in different trades and industries in the City who shall be nominated by Government in consultation with the respective labour organisations."

3. In section 5 (1) of the said Act, the following words shall be added to the Clause "Seventy-six councillors elected at Ward elections" :—

"Each ward being entitled to return such number of representatives as may be justified by the proportion which its population bears to the total population of the City." (Schedule B of the Act be revised accordingly.)

4. In paragraph 1 of section 11 (2) of the said Act, the word "Ten" shall be substituted by the word "Three."

5. These changes in the qualifications of electors and addition to and redistribution of seats shall come into force with effect from the municipal general elections of 1929.

## STATEMENT OF OBJECTS AND REASONS

The object of introducing this Bill is explained in relation to each of the several amendments proposed under the bill.

*Clauses 1 and 2.*—In view of the fact that labour interests as such have not been recognised in the City of Bombay Municipal Act, as in the case of Local and Imperial Legislatures, and also of the fact that the three capitalist bodies, viz., the Chamber of Commerce, the Indian Merchants Chamber, and the Bombay Millowners' Association, have been provided with representation in the said Act, it is considered desirable and fair, that there should be at least four representatives of labour in the Bombay Municipal Corporation. The total number of seats in the Corporation



[Appendix 28—*contd.*]

have been increased by four, namely, seats allotted to labour, in order that the existing arrangement in other respects may not be disturbed.

*Clause 3*—This change is intended to rectify the arbitrary allocation of seats at present in force.

*Clause 4.*—This change is necessary in view of the facts, (1) that at present the qualifications of voters at the City Municipal Ward elections are the same, as that of voters at Provincial Council elections, though the matters coming for discussion before the Legislative Council are much more important, and of less immediate interest to individual voters, than the matters which are usually discussed and decided in the Municipal Corporation. It is therefore just and fair that the qualifications should be lower in the case of the latter, than in the case of the former. (2) That when the qualification of the monthly rental of not less than Rs. 10 was laid down in the Act, the rents of houses in Bombay had considerably gone up. Now that the rents have been reduced, and thousands of people who were formerly paying Rs 10 or over per month are now paying less ; also that the rate of rent in the chawls built by Development Department Improvement Trust, and some private landlords, has been reduced, a large number of people who formerly exercised municipal franchise in the city will have to be disenfranchised if the figure of rental stated in the Act is retained.

SYED MUNAWAR.

## APPENDIX 29

## BILL No. XXII OF 1927

[*A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922*]

## REPORT OF THE SELECT COMMITTEE

We, the undersigned\* members of the select committee appointed to consider Bill No. XXII, A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922, have the honour to submit the following report :—

We have carefully considered the provisions of the Bill and have decided to add a proviso to clause 3 to make it clear that no claimants for damages should in any way be prejudiced by the retrospective effect given to this bill by clause 3.

We recommend that this report, with the minutes of dissent, if any, and the bill, as amended, should be published in English only. No translation into any vernacular is necessary.

(Signed) COWASJEE JEHANGIR (Jr.),  
 ( „ ) BALAK RAM,  
 ( „ ) R. R. KALE,  
 ( „ ) RAFIUDDIN AHMAD,  
 ( „ ) VASANTRAO ANANDRAO DABHOLKAR (*subject to a minute of dissent*),  
 ( „ ) HOOSEINBHOY A. LALLJEE (*subject to a minute of dissent*),  
 ( „ ) JETHALAL CHIMANLAL SWAMINARAYAN,  
 ( „ ) P. J. MAR/BAN.

(*Minutes of dissent by Mr. H. A. Lalljee, M.L.C., and Sir Vasantao A. Dabholkar, Kt., M.L.C.*)

We do not agree with the majority report though a slight improvement has been made over the original Bill.

The fact that the owners of salt works have suffered damages is made clear to us because of the developments which have been made by the Port Trust on this site and nearer the site besides the construction of the Bridge.

One of the rights given to the Port Trust by the existing Act is “whereas it is therefore necessary to extinguish all Tidal-rights and rights of Navigation in the said Creek over and above the site of the said bridge” and therefore during the last five years from 1922 to 1927 the Port Trust has taken advantage of this right with the result that the high tide water does not rise to the level as it used to do and consequently the Salt-works are suffering on account of this scarcity of water. We therefore suggest in all fairness that a provision be made in the amending Bill which will enable the owners of Salt-pan such compensation as they are entitled to by reason of the operations of the Port Trust during the last five years. It was suggested by the Honourable the General Member that the Salt-

\*Note.—The signature of Mr. K. M. Munshi, M. L. C., will be notified when received.

[Appendix 29—*contd.*]

works' owners are only entitled to damages caused by the stiffening of the bridge, but we submit it is not so, and cannot be so. The very Title of the Bill is the Extinguishment of Rights (Tidal and Navigation) of the Mahul Creek and not the stiffening of the Bridge. There are many owners of Salt-pans some of whom are poor and have not been able to put in their claims for damages and those who have put in have already incurred heavy costs.

(Signed) HOOSEINBHOY A. LALLJEE

I agree.

(Signed) VASANTRAO ANANDRAO DABHOLKAR.

*Council Hall, Poona, 17th October 1927.*

No. 1400.—With reference to the footnote to the Report of the Select Committee on Bill No. XXII of 1927 [A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922] published at pages 163-164 of the *Bombay Government Gazette*, Part V, dated the 15th October 1927, it is notified that Mr. K. M. Munshi, M.L.C., has signed the report of the Select Committee.

N. J. WADIA,

Secretary to the Legislative Council  
of the Governor of Bombay.

### BILL No. XXII OF 1927

*A Bill to amend the Mahul Creek (Extinguishment of Rights) Act, 1922*

(As amended by the Select Committee)

WHEREAS it is expedient to amend the Mahul Creek (Extinguishment of Rights) Act, 1922, in manner hereinafter appearing; It is hereby enacted as follows :— Bom. IV of 1922.

1. *Short title.*—This Act may be called the Mahul Creek [Extinguishment of Rights (Amendment)] Act, 1922.

2. *Amendment of preamble and section 2 of Bom. IV of 1922.*—In the preamble and section 2 of the Mahul Creek (Extinguishment of Rights) Act, 1922, hereinafter called the said Act, the words "tidal rights and" shall be repealed. Bom. IV of 1922.

3. *Amendments made by section 2 to have retrospective effect.*—The amendments made by section 2 shall be deemed to have been made and to have had effect from the date on which the said Act came into operation;

*Provided that if a claim for compensation for loss of tidal rights has been preferred before the Collector of Bombay and the claim has not been adjudicated upon when this Act comes into force, the time during which the proceedings were pending before the Collector shall be excluded in calculating limitation for any suit that may be filed hereafter for damages for interference with such tidal rights.*

N. J. WADIA,

Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 14th October 1927.

## APPENDIX 30

## BILL No. XXIX OF 1927

*A Bill further to amend the Bombay City Municipalities Act, 1925*

(As introduced on the 6th August 1927 and published in the "Bombay Government Gazette" of the 25th August 1927)

Bom. XVIII of 1925 WHEREAS it is expedient to amend the Bombay City Municipalities Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows :—

1. *Short title.*—This Act may be called the Bombay City Municipalities (Amendment) Act, 1927.

2. *Amendment of sub-section 78 (2).*—In sub-section 78 (2), for the words "ten per centum" substitute the words "at least one-tenth or not more than one-sixth" and add the words "according to the discretion of the municipal borough" after the word "valuation" where it occurs for the second time.

## STATEMENT OF OBJECTS AND REASONS

Before the passing of the City Municipalities Act, 1925, Municipalities had the discretion of deducting a percentage of the annual letting value for repairs, etc., determined in accordance with the varying conditions, prevailing in them. Ahmedabad Municipality used to deduct one-sixth of the annual letting value for repairs, etc., but on account of the compulsory provision of deducting ten per centum of the annual letting value in the new Act, the said municipality has no other alternative except that of deducting only one-tenth of the annual letting value with the result that the rates to be paid by all the ratepayers will be increased and the additional burden will fall more heavily on the poor. This Amendment Bill restores the discretion of the Municipalities to determine the percentage of deduction according to the varying circumstances by prescribing the minimum and maximum percentage of deduction.

(Signed) JETHALAL C. SWAMINARAYAN.

APPENDIX 31

*A Bill to amend further the Bombay City Municipalities  
Act XVIII, 1925*

(As published in the "Bombay Government Gazette" of the  
26th September 1927)

WHEREAS it is expedient to amend the Bombay City Municipalities Bom. XVIII Act, 1925, in manner hereinafter appearing; It is hereby enacted as of 1925. follows :—

1. This Act may be called the Bombay City Municipalities (Amendment) Act, 1927.
2. In the proviso (a) to section 24, substitute "1928" for "1927."

STATEMENT OF OBJECTS AND REASONS

The original Bill, XVIII of 1925, contained no provision for the extension of the term of the municipalities in existence under the old Act. Act I of 1927 only partially remedied the defect by enabling the Government to extend it up to 31st December 1927. At present there exists no provision in the Act for extending the term of the municipalities, whose election was held before June 1926 (when the new Act came into operation), but whose ordinary term will expire after 31st December 1927. In view of the fact that no general election can be held in accordance with the rules framed under the old Act, and in view of the fact that the new rules must in ordinary course take long to come into operation on account of section 221 in the Act, it is necessary to bring this Bill to prevent a standstill of, and a dead-lock in, the municipalities the extension of whose term has not been provided for by the amending Act I of 1927.

(Signed) B. G. PAHALAJANI, M.L.C.

Poona, 9th September 1927.

(Western Sind).

## APPENDIX 32

## AGENDA

**Supplementary Agenda for the third Sessions of the Bombay Legislative Council which commenced on Thursday, the 29th September 1927  
(Vide Standing Order X, I, (1) (d).)**

*Resolutions by Mr. N. R. Gunjal, M. L. C.*

1. "This Council recommends to Government that cow slaughter should be totally forbidden by law in this presidency from 1st January 1928."

2. "This Council recommends to Government that all liquor shops, country as well as foreign, should be closed and discontinued from 1st January 1928."

3. "This Council recommends to Government that early orders be issued to reduce the water rate leviable under the provisions of the Bombay Irrigation Act of 1879, to a maximum of rupees twenty per acre of sugarcane in the whole presidency."

4. "This Council recommends to the Governor in Council that patils should be given an annual income from Government of at least Rs. 300 either in cash or in land or partly in cash and partly in land to enable them to keep up their status."

5. "This Council recommends to the Governor in Council that orders be passed to restore the Kulkarni Watan system as it existed before the commutation of Kulkarni Watans."

6. "This Council recommends to the Governor in Council that to improve the condition of agriculturists, Government should remit permanently the land assessment to be paid by an agriculturist in any one village if it be below rupees eight a year."

7. "This Council recommends to the Governor in Council that the photo-copying system introduced recently in the Registration Department of this presidency be abolished forthwith and the old system restored."

8. "This Council recommends to Government that a committee, with a non-official majority, be appointed to inquire into the grievances of the agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practices."

9. "This Council recommends to Government to reduce to one-half the minimum rates of house taxation prescribed in Government Notification No. 55-A, dated 7th May 1922, regarding village panchayats with a view to increasing the number of 'panchayats' in the presidency and popularising them and to substitute for the words 'capital value' occurring in the said resolution the words 'market value'."

10. "This Council recommends to Government that they should be pleased to issue directions to all heads of departments to reply directly to members of this Council if they ask for information of public interest."

[Appendix 32—*contd.*]

*Resolutions by Mr. B. T. Desai, M. L. C.*

1. "This Council recommends to Government that a Committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

2. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."

3. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

4. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

5. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

6. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the Income Tax revenue of the presidency and to allot a fair proportion of the said revenue to this presidency."

7. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the presidency it is necessary to maintain a separate department for labour as before and that the said department be separated from the department of the Information Bureau."

8. "This Council recommends to Government that a Commission may be appointed at an early date to inquire into the administration of jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

9. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

10. "This Council recommends to Government to appoint a Retrenchment Committee with a non-official majority for the purpose of effecting retrenchment in all Government Departments in the presidency."

11. "This Council recommends to Government that they be pleased to direct that the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Dépôt Lines within the limits of the Karachi Cantonment be withdrawn."

[Appendix 32—*contd.*]

12. "This Council recommends to Government not to close the secondary teachers' training colleges at Ahmedabad and Dharwar."

13. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Behar and Orissa, the Central Provinces and the United Provinces, etc., with a budget grant of not less than Rs. 5 lacs, and with a competent and experienced Director of Industries as its head."

14. "This Council recommends to Government to reinstate Mr. F. E. Bharucha as Director of Industries for three years in view of his long varied experience of the various industries of the presidency as appears from his annual report for 1925-26 as was done in the case of Mr. K. S. Framji who retired from the Public Works Department on account of his superannuation but was re-appointed as Chief Engineer in the Development Department."

15. "This Council recommends to Government to provide for the clerical and menial staff of the Educational Department in the Southern Division in some other department of Government in view of their long and faithful service in the event of Government's inability to induce the school boards of the Southern Division to take up the said clerical and menial staff."

16. "This Council recommends to Government to appoint a committee of inquiry with a non-official majority to inquire into and report upon the working of the Development Department under Mr. Harvey."

*Resolution by Mr. D. A. Janvekar, M. L. C.*

1. "This Council recommends to Government to reorganise the Public Health Department by forming the health officers into a regular provincial cadre and by appointing in every district and major municipality and local board health officers and properly trained staff from the provincial cadre."

*Resolutions by Mr. S. C. Joshi, M. L. C.*

1. "This Council recommends to the Governor in Council to appoint a committee, consisting of official and non-official members of this Council and representatives of labour to enquire into and suggest ways and means of improving the general condition of labour of every kind, by organising welfare funds for the purpose of providing sickness, health, maternity, old age, unemployment and other kindred benefits, on the same lines as they exist in Great Britain and other civilised countries."

2. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of improving the condition of textile workers in the Bombay Presidency, with special reference to the system of recruitment, their hours of works, system of leave, housing and maternity benefit."

3. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire



[Appendix 32—*contd.*]

into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

4. "This Council recommends to Government the desirability of exploring the possibilities of starting in consultation with the Director of Industries and the Registrar of Co-operative Societies spinning and weaving factories on co-operative lines on a small scale at centres of cotton-producing districts in the Presidency, with a view to providing employment to agriculturists and others, specially handloom weavers, who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."

*Resolution by Mr. M. S. Khuhro, M.L.C.*

1. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community from the operation of the Mussalman Wakf Act of 1923 should at once be withdrawn and the said Wakf Act be forthwith made applicable to the said section of the Muslim community."

*Resolutions by Mr. S. A. Sardesai, M.L.C.*

1. "This Council recommends to Government to reorganise the Public Health Department by forming the health officers into a regular provincial cadre and by appointing in every district and major municipality and local board health officers and properly trained staff from the provincial cadre."

2. "This Council recommends to Government to abolish all tolls levied under Bombay Act III of 1875."

3. "This Council recommends to Government to move the Government of India to create a new province for the Karnatak districts from the Kannada-speaking parts of the Bombay and Madras presidencies and Coorg."

*Resolutions by Mr. Shankarrao Jayaramrao Zunzarrao, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council expresses its disapproval of the action of Government in introducing revision settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag taluka of the Kolaba district and to the discontent caused by the coercive measures adopted by them to recover the same and recommends that the said increased assessment, fine and notice fees realised be refunded to the respective landholders."

[Appendix 32—*contd.*]

*Resolutions by Mr. Syed Munawar, M.L.C.*

1. "This Council recommends to the Governor in Council to represent to the Government of India that the system of recruitment of seamen at the port of Bombay through licensed brokers be discontinued, and that the work of recruitment should be undertaken by the Government itself, as is recommended by the Clow Committee appointed by the Government of India in 1922 and as has already been done in the port of Calcutta."

2. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of improving the condition of textile workers in the Bombay presidency, with special reference to the system of recruitment, their hours of work, system of leave, housing and maternity benefit."

3. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Bohra community (one of the principal Mussalman sects) from the operation of the Wakf Act should now be withdrawn in view of the fact that the Moslem community has expressed general satisfaction at a large number of Moslem charitable institutions having come to fulfil the requirements of the Wakf Act."

4. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the legitimate grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay presidency and to recommend legislation for their removal."

5. "This Council recommends to Government the desirability of exploring the possibilities of starting in consultation with the Director of Industries and the Registrar of Co-operative Societies spinning and weaving factories on co-operative lines on a small scale at centres of cotton producing districts in the presidency, with a view to providing employment to agriculturists and others, specially handloom weavers who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."

6. "This Council recommends to Government to represent to the Government of India the desirability of abolishing at an early date the water tax levied on places of worship in the cantonment areas of India."

7. "This Council recommends to Government that a committee be appointed at an early date to inquire into the problem of the growing unemployment in the presidency, and in Bombay city in particular, and to suggest ways and means for meeting the said problem."

8. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

[Appendix 32—*contd.*]

9. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

10. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the presidency, it is necessary to maintain a separate department for labour as before, and that the said department be separated from the department of the Information Bureau."

11. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reform on the lines pursued in the West and America."

12. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

*Resolutions by Mr. H. J. Amin, M.L.C.*

1. "This Council recommends to Government to remit the land revenue of all the flood affected villages of Gujarat for the year 1927-28 and the arrears of land revenue and takavi loans of the past years."

2. "This Council recommends to Government to appoint a committee consisting of official and non-official members of this honourable House to make a thorough and comprehensive investigation into the extent and nature of the damage caused by the recent floods and heavy rains in Gujarat in the various branches of the economic life of the people and to suggest ways and means for remedying the same."

3. "This Council recommends to His Excellency the Governor in Council that all expenditure sanctioned for the Bombay Development and Sukkur Barrage Schemes should be utilized for the relief of the distressed during the recent disaster caused by the floods in Gujarat, and for reconstruction of villages destroyed, and a large amount may be placed at the disposal of the district local boards in Gujarat for repairs and reconstruction of roads, bridges, culverts, school houses and other sanitary works in the affected area."

4. "This Council recommends to Government that the revised land revenue assessments in the Chorasi and Bardoli talukas of the Surat district, sanctioned by Government, shall not be given effect to."

5. "This Council recommends to Government that immediate provision be made to meet the resolution of the Council regarding the salaries of primary teachers, which was passed by the honourable House on 5th August 1926 without a division."

*Resolution by Mr. F. J. Ginwalla, M.L.C.*

1. "This Council expresses its disapproval of the action of the Government in introducing revision settlements and in recovering revised

## [Appendix 32—contd.]

rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag taluka of the Kolaba district and to the discontent caused by the coercive measures adopted by them to recover the same, and recommends that the said increased assessment, fine and notice fees realised be refunded to the respective landholders."

*Resolution by Rao Bahadur S. T. Kambli, M.L.C.*

1. "This Council recommends to Government to recommend to the Government of India the desirability and necessity of constituting the British Karnatik districts into a separate and independent province."

*Resolution by Rao Bahadur B. R. Naik, M.L.C.*

1. "This Council expresses its disapproval of the action of the Government in introducing revision settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag taluka of the Kolaba district and to the discontent caused by the coercive measures adopted by them to recover the same, and recommends to Government that the said increased assessment, fine and notice fees realised be refunded to the respective landholders."

*Resolution by Mr. L. M. Deshpande, M.L.C.*

1. "This Council, while expressing its disapproval of the action of the Government in introducing revision settlements and in recovering revised rates in various parts of the Presidency in contravention of the resolution passed by the Council in 1924 and confirmed in March 1927, recommends to Government that the increased assessment, fines, notice fees, etc., realized from the landholders be refunded to them."

*Resolutions by Mr. B. R. Nanal, M.L.C.*

1. "This Council recommends to Government that a special officer should immediately be placed on duty to make, in view of the peculiar physical feature and other circumstances of the district of Ratnagiri, a full and exhaustive economic and industrial survey of that district and to report to Government the lines on which attempts should be made to develop the resources of the district, by fostering agriculture, horticulture, cottage industries or other subsidiary occupations, with special reference to the possibilities of introducing new and more valuable crops and constructing water works, large or small, to make cultivation of such crops possible and profitable."

2. "This Council recommends to Government that revision settlements introduced into the districts of Ratnagiri and Kolaba in

[Appendix 32—*contd.*]

contravention of the resolutions passed by this Council in 1924 and 1927 be withdrawn and increased assessment, fines and notice fees recovered in pursuance thereof be refunded to the landholders concerned."

*Resolution by Mr. G. I. Patel, M.L.C.*

1. "This Council expresses its disapproval of the action of Government in introducing revision settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in March last, and in particular invites the attention of Government to the levy of the increased assessment for the year 1926-27 in the Alibag taluka of the Kolaba district and to the discontent caused by the coercive measures adopted by them for recovering the same, and recommends that the said increased assessment, fine and notice fees realised be refunded to the respective landholders without delay."

*Resolutions by Mr. J. R. Patel, M.L.C.*

1. "This Council recommends to Government that no enhanced assessment of land revenue should be levied in those talukas of Gujarat for which enhanced rates have been proposed by settlement officers during last five years."

2. "This Council recommends to Government not to close the training colleges at Ahmedabad and Dharwar."

3. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Bihar and Orissa, the Central Provinces and the United Provinces, etc., with a budget grant of not less than Rs. 5 lakhs and with a competent and experienced Director of Industries at its head."

4. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

5. "This Council recommends to Government not to maintain a separate Department like the Information Bureau and to discontinue the said department at an early date."

6. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

7. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the presidency."

8. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the Income Tax revenue of the presidency and to allot a fair proportion of the said revenue to this presidency."

[Appendix 32—*contd.*]

*Resolution by Mr. Haji Mir Mahomed Baloch, M.L.C.*

1. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community from the operation of the Mussalman Wakf Act of 1923, should at once be withdrawn and the said Wakf Act be forthwith made applicable to the said section of the Muslim community."

*Resolution by Mr. J. B. Petit, M.L.C.*

1. "This Council recommends to the Governor-in-Council, acting with Ministers, that in view of the increasing unemployment and poverty of the middle and rural classes of this Presidency, he will be pleased with the help of a committee of experts and in the light of the reports of the Industrial Commission of 1916-18, the Bengal Government Unemployment Report, the External Capital Committee's Report and the Vishvesvaraya Committee's Report, to adopt the necessary measures for remedying the present evil."

*Resolution by Mr. V. A. Surve, M.L.C.*

1. "This Council recommends to Government that the conditions imposed upon Mr. V. D. Savarkar before his release from prison should be removed forthwith."

*Resolution by Dr. B. R. Ambedkar, M.L.C.*

1. "This Council recommends to Government that the conditions as to residence imposed on Mr. V. D. Savarkar before his release from prison should be removed forthwith."

*Resolutions by Mr. Jairamdas Doulatram, M.L.C.*

1. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and to suggest ways and means for meeting the said problem."

2. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

3. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

4. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

5. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency and to allot a fair proportion of the said revenue to this Presidency."

6. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in

[Appendix 32—*contd.*]

the Presidency it is necessary to maintain a separate department for labour as before and that the said department be separated from the department of the Information Bureau."

7. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

8. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

9. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the Presidency."

10. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Behar and Orissa, the Central Provinces and the United Provinces, etc., with a budget grant of not less than Rs. 5 lacs, and with a competent and experienced Director of Industries as its head."

11. "This Council recommends to Government to provide for the clerical and menial staff of the Educational Department in the Southern Division in some other department of Government in view of their long and faithful service in the event of Government's inability to induce the school boards of the Southern Division to take up the said clerical and menial staff."

12. "This Council recommends to Government to appoint a committee of inquiry with a non-official majority to inquire into and report upon the working of the Development Department under Mr. Harvey."

*Resolution by Mr. J. M. Bhurgri, M.L.C.*

1. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Borah community from the operation of the Mussalman Wakf Act of 1923, should at once be withdrawn and the said Wakf Act be forthwith made applicable to the said section of the Muslim community."

*Resolutions by Mr. M. D. Karki, M.L.C.*

1. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

2. "This Council recommends to Government that an independent committee of inquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage Scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said Scheme."

[Appendix 32—*contd.*]

3. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

4. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

5. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

6. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency and to allot a fair proportion of the said revenue to this Presidency."

7. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the Presidency it is necessary to maintain a separate department for labour as before and that the said department be separated from the department of the Information Bureau."

8. "This Council recommends to Government that a commission may be appointed at an early date to inquire into the administration of the jails in the Bombay Presidency and to suggest ways and means for introducing measures of jail reforms on the lines pursued in the West and in America."

9. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wider scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

10. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government Departments in the Presidency."

11. "This Council recommends to Government that they be pleased to direct that the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Depôt Lines within the limits of the Karachi Cantonment be withdrawn."

12. "This Council recommends to Government not to close the Secondary Teachers' Training Colleges at Ahmedabad and Dharwar."

13. "This Council recommends to Government to expand the Department of Industries on lines similar to those followed in other provinces like Behar and Orissa, the Central Provinces and the United Provinces, etc., with a budget grant of not less than Rs. 5 lacs, and with a competent and experienced Director of Industries as its head."

14. "This Council recommends to Government to reinstate Mr. F. E. Bharucha as Director of Industries for three years in view of his long and varied experience of the various industries of the Presidency as appears from his annual report for 1925-26 as was done in the case of Mr. K. S. Framji who retired from the Public Works Department on account of



[Appendix 32—*contd.*]

his superannuation but was reappointed as Chief Engineer in the Development Department."

15. "This Council recommends to Government to provide for the clerical and menial staff of the Educational Department in the Southern Division in some other department of Government in view of their long and faithful service in the event of Government's inability to induce the school boards of the Southern Division to take up the said clerical and menial staff."

16. "This Council recommends to Government to appoint a committee of enquiry with a non-official majority to inquire into and report upon the working of the Development Department under Mr. Harvey."

17. "This Council expresses its disapproval of the action of Government in introducing revision settlements and in recovering revised rates in the various parts of the Presidency before giving effect to the recommendations of the Land Revenue Committee, in contravention of the resolution passed by the Council in March 1924 and confirmed in the last March and in particular invites the immediate attention of Government to the levy of increased assessment for the year 1926-27 in the Alibag Taluka of the Kolaba District and to the discontent caused by the coercive measures adopted by them to recover the same, and recommends that the said increased assessment, fine and notice fees realized be refunded to the respective landholders."

N. J. WADIA,  
Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 10th October 1927.

## APPENDIX

*Statement showing the Resolutions passed by the*

<b>Serial No.</b>	<b>Resolution Original No.</b>	<b>Name of the mover</b>	<b>Subject-matter of the Resolution</b>
			<i>Legal</i>
1	1	Khan Sahab A. M. Mansuri.	Placing on record an appreciation of the services rendered by Sir Maurice Hayward.
			<i>Home</i>
2	1	Mr. G. I. Patel ..	This Council recommends that adequate compensation be given to the families of those informants who have suffered injuries to life and property at the hands of the dacoits within recent times in Borsad and Anand talukas.
		Mr. R. D. Shinde ..	This Council recommends to the Governor in Council that steps be taken to re-adjust the territorial jurisdictions of the subordinate Judges' Courts in the Presidency so as to remove the inconvenience to litigants wherever possible.

A

*Legislative Council during the period of 1924-27*

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department</i>		
3rd November 1926.	A copy of the resolution was forwarded to Sir Maurice Hayward on the 24th November 1926.	
<i>Department</i>		
3rd March 1924.	<p>In Government Resolution, Finance Department, No. 3418, dated the 13th August 1924, the following extraordinary family pensions have been sanctioned for the support of the families of the men killed in dacoities in the Borsad and Anand talukas :—</p> <p>(1) Rs. 10 per mensem to Kashibai, widow of Mathur Meru, with effect from 23rd September 1921, during her life-time on the condition that if she dies or remarries before her sons attain the age of 18 years, the pension will be given to the two sons in equal shares till they reach that age.</p> <p>(2) Rs. 10 per mensem to Jiba Bai, widow of Shiva Bava, with effect from 2nd July 1923, during her life-time on the condition that if she dies or remarries before her son attains the age of 18 years, the pension should be given to the son till he attains that age.</p> <p>(3) Rs. 15 per mensem to Bai Bibi, widow of Sardarkhan Jivekhan, with effect from the date following the date of his death, during her life-time, on the condition that if she dies or remarries before her youngest son attains the age of 18 years, the pension should be given to her sons till the youngest of them is 18 years old.</p>	
24th October 1924.	<p>In Government letter No. L.C.-545, dated the 31st October 1924, the High Court were asked to investigate the possibility of giving effect to the recommendation contained in the Resolution, consistent with economy. The alterations in regard to the territorial jurisdictions of the Subordinate Judges' Courts in the Presidency proper have been carried out, in view of the suggestions made by the Honourable Mr. Justice Kincaid, as Inspecting High Court Judge.</p> <p>2. On the 10th November 1924, the Judicial Commissioner of Sind was also addressed in the matter. Since the Judicial Commissioner reported in May 1925 that no readjustment of the territorial jurisdiction consistent with economy, is called for, no action has been taken so far as the Subordinate Courts in Sind are concerned.</p>	

## APPENDIX

Serial No.	Resolution Original No.	Name of the mover	Subject-matter of the Resolution
			<i>Home</i>
4	1	Mr. V. A. Dabholkar.	This Council recommends to the Governor in Council that the salaries of the Presidency Magistrates other than the Chief Presidency Magistrate be fixed at Rs. 1,000—50—1,500.
5	2	Mr. Punjabhai Thakersi.	This Council recommends to the Governor in Council that Hasrat Mohani be released immediately and unconditionally.
3	1	Mr. V. N. Jog ..	This Council recommends to the Governor in Council that the unexpired portion of the sentence of 2 years' rigorous imprisonment and payment of a fine of five hundred rupees passed on Mr. Raghunath Ramchandra Divakar of Dharwar on the 12th November 1923 under sections 124-A and 153-A, Indian Penal Code for having printed in Kanarese a booklet called "Deahi Dum-dum" be remitted and the said Mr. Divakar be released subject to such reasonable conditions as Government may be pleased to impose upon him.
7	4	Mr. G. B. Pradhan ..	This Council recommends to Government to abolish the totalisator in the third enclosure at the race course in Bombay.
8	5	Mr. R. S. Nekaljay ..	This Council recommends to the Governor in Council to recommend to the Imperial Government to consider the question of giving further opportunities to Mahars of enlisting in the Indian Army.

*A—contd.*

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		
18th March 1924.	Orders sanctioning a uniform time-scale of pay Rs. 1,000—50—1,500 for the Presidency Magistrates, Bombay, other than the Chief Presidency Magistrate, Bombay with effect from the 1st April 1925 were issued on the 6th May 1925.	
19th March 1924.	Orders were issued on the 26th March 1924 as follows : — The remainder of the sentence of 2 years' rigorous imprisonment passed upon Hasrat Mohani under section 124-A on the 4th May 1922 was remitted by Government under Section 401 (1) of the Code of the Criminal Procedure, 1898, with effect from the 13th February 1924, and the sentence of 6 months' rigorous imprisonment passed upon him on the 1st October 1923 under section 161 read with section 109 of the Indian Penal Code and section 42 of the Prison Act, IX of 1894, read with Article 485 of the Bombay Jail Manual was commuted under section 402 of the said Code to one of simple imprisonment for the same period, the latter sentence to commence from the 13th February 1924. Hasrat Mohani was selected for treatment in a separate division sanctioned under the orders contained in Government Resolution, Home Department, No. 123, dated the 6th February 1923 (Chapter XXXIX-A of the Bombay Jail Manual, Part I).	
30th July 1924.	Government communicated the Resolution of the Legislative Council to Mr. Divakar and informed him that if he apologised and gave an understanding not to make public speeches or publish writings on political topics for the outstanding portion of his sentence, the question of his release would be considered. As Mr. Divakar refused to accept the terms offered by Government, no further action was taken in the matter.	
4th November 1925.	The totalisator in the third enclosure at the race course in Bombay has been abolished in the license granted to the Western India Turf Club on the 11th July 1926 for the year 1926-27.	
5th November 1925.	A copy of the resolution and of the debate in the Bombay Legislative Council was forwarded to the Government of India for their sympathetic	

## APPENDIX

Serial No.	Resolution Original No.	Name of the mover	Subject-matter of the Resolution
			<i>Political</i>
9		Rao Sahab Dadubhai P. Desai.	Congratulations of the Council to Mr. B. A. Ghatge, Police Commissioner of the Baroda State, for capturing the notorious out-law, Bahar Devaalive.
			<i>Development</i>
10	1	Mr. K. F. Nariman ..	(a) That a Committee consisting of 12 non-official and elected members be appointed to enquire into the whole administration and working of the Development Directorate, to suggest ways and means of effecting retrenchments and to report on the advisability or otherwise of continuing the scheme taken in hand. (b) That the Development Directorate be requested to co-operate with the said Committee and afford all facilities and help in conducting the said inquiry and in making the said report. (c) That an independent officer, or expert be appointed to help the said Committee.
			<i>Revenue</i>
11	3	Mr. R. G. Pradhan ..	Appointment of a Land Revenue Assessment Committee and postponement of the levy of revised rates till action is taken on its report.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department</i>		
12th March 1924 .	The Resolution was forwarded to the Resident at Baroda on 19th March 1924 for communication to the parties concerned.	
<i>Department</i>		
24th October 1924	No separate action was taken on the Resolution as, on a notice of a similar Resolution previously received from Mr. Lalji Naranji, representing the Indian Merchants' Chamber, Government had already taken action in referring the Resolution of which notice had been given by Mr. Lalji Naranji to a representative Committee for investigation and report. That Committee was sitting at frequent intervals considering the whole of the activities of the Development Directorate, and Government thought that no useful purpose would be served by the appointment of another Committee such as that suggested in Mr. Nariman's Resolution passed by the Legislative Council. However, immediately after Mr. Nariman's Resolution was passed, Government invited four members of the Legislative Council Messrs. Lalji Naranji, A. N. Surve, K. F. Nariman and Hooseinbhoj Lalji to join the committee believing that this would meet the wishes of the Council. But except Mr. Surve, the other members refused to join the Committee. Mr. Surve, who accepted the invitation, was appointed on the committee. The committee have already submitted their reports so far one on the Back Bay Reclamation Scheme and the other on the Industrial Housing Scheme and the other Bombay City Schemes. The report on the Back Bay Reclamation Scheme was placed on the table of the Legislative Council during the session of February-March 1926. The report on the Industrial Housing Scheme was placed on the table of the Legislative Council during the current session of February-March 1927. The report on the Suburban Schemes was placed on the table of the Legislative Council during session of February-March 1927. The Committee's report on the suburban is awaited.	
<i>Department</i>		
15th March 1924 .	The Resolution was partially accepted and a committee appointed, Government have passed orders on the Committee's recommendations in Government Resolution No. 1790/24, dated the 13th May 1927 (copy appended).	

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Serial No.	Resolution Original No.	Name of the mover	Subject-matter of the Resolution
			<i>Revenue</i>
12	1	Mr. V. R. Kothari ..	Withdrawal of the Revision Settlement of the Sangola Taluka (District Sholapur).
13	1	Khan Saheb A. M. Mansuri.	Application of the Wakf Act to Bombay.
14	1	Mr. N. E. Navle ..	Appointment of a Committee to consider the question of anna valuation of crops.
15	1	Haji Abdulla Haroon.	Adoption of 20 years as the minimum period for the revision of land revenue Settlements in Sind.
16	2	Mr. R. G. Soman ..	Supply of certified copies of district administration reports to representatives of Districts in the Legislature.
17	1	Mr. G. M. Saptarishi.	Excise Policy .. ..
18	2	Mr. Punjabhai Thakersey.	Appointment of a Committee to investigate the question of forced labour.



A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—cont d.</i>		
18th March 1924 .	.....	The Resolution was not given effect to because Government considered that settlements which had already been sanctioned should not be as a general rule reopened.
18th March 1924 .	Resolution accepted and the provision of sections 2 to 13 of the Wakf Act were brought into force in this Presidency from 9th August 1925, the Dawoodi Bohra section being exempted for a period of three years ( <i>vide</i> Government Notification Nos. 214/24 and 214 (a) 24, dated the 26th May 1925 and No. 214/24, dated the 13th August 1926 (copies appended).	
20th March 1924 .	The Resolution was accepted and a Committee appointed. Orders have been issued on the Committee's recommendation in Government Resolution No. L.C.—1145/B, dated the 24th June 1927 (copy appended).	
29th July 1924 .	The Resolution was accepted subject to the modification that the orders would not be applicable to the new rates of assessment to be levied in the areas under the command of the Lloyd Barrage. The orders were issued in Government Resolution No. L.C.-1453, dated 11th September 1924. A copy of the Government Resolution was placed on the Council Table.	
29th July 1924 .	Instructions have been issued to give effect to the Resolution, <i>vide</i> Government Resolution No. L.C.-1483, dated the 10th December 1924. (A copy of the Government Resolution was placed on the Council Table.)	
1st August 1924 .	The Excise policy has been announced in Government Resolution No. 982/24, dated 12th February 1925, which was placed on the Council Table.	
25th October 1924.	The Resolution was accepted in a modified form whereby Government promised to look into the matter. After inquiry it was found that the existing regulations on the subject were sufficient. The attention of the Commissioners and Collectors has been drawn in a communication dated 7th September 1925 to these regulations and they have been asked to see that they are faithfully observed by their subordinates.	

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Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
<i>Revenue</i>			
19	2	Mr. D. R. Patil ..	Grievances of the ryots with regard to forest matters.
20	2	Muhammad Kamil Shah.	Appointment of a Committee of officials and non-officials to examine the question of the Fallow Rules in Sind.
21	2	Mr. R. G. Pradhan ..	Appointment of a Committee to consider the financial measures necessary to give effect to the policy of prohibition.
22	12	Rao Bahadur R. R. Kale.	Introduction of legislation to give immediate effect to the Land Revenue Assessment Committee's Report and suspension of revised assessment fixed since 15th March 1924 pending such legislation.
<i>Finance</i>			
23	..	Mr. Lalji Naranji ..	Motion for adjournment to discuss the question of Bombay's Provincial contribution.
24	1	Mr. S. K. Bole ..	Revision of salaries of Government Peons in Bombay City.
25	5	Khan Sahob A. M. Mansuri.	Adequate representations of all communities in Government service.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—concld.</i>		
30th July 1924 ..	The recommendation was accepted and the Forest Grievances Enquiry Committee appointed ( <i>vide</i> Government Resolution No. L.C.-1374, dated the 26th January 1925). Orders on the report of the Committee have been issued in Government Resolution No. 7324/24, dated the 19th July 1927, copies of which have been furnished to the members of the Legislative Council.	
19th July 1925 ..	The Resolution was accepted and the orders appointing the Committee were issued in August 1925. The report is under the consideration of Government.	
4th November 1925.	The orders appointing the Committee were issued in February 1926. The Committee has submitted its report, which is under the consideration of Government; copies of the report have been supplied to the members of the Legislative Council.	
17th March 1927 .	....	The Resolution was not accepted for the reasons stated in the Press Note issued by the Director of Information under his No. P.—83, dated the 14th May 1927 (copy appended).
<i>Department</i>		
2nd Marh 1923 ..	The representation of the Legislative Council was communicated to the Government of India in a letter dated the 14th March stating that the Governor in Council associated himself with the representation and suggesting that the just claims of this Presidency required further consideration.	
19th March 1925 .	The temporary and provisional allowance granted to peons was converted into pay by Government Resolution No. 1572, dated the 19th April 1926.	
5th November 1925.	Orders had already been issued for the proper representation of the hitherto unrepresented communities under Government Resolutions, Finance Department, No. 2610, dated 17th September 1923, and 5th February 1925, and subsequent Circulars.	

## APPENDIX

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>Finance</i>
26	1	Mr. M. D. Karki ..	<p>Recommending that in the villages affected by the floods in the Honavar Taluka takavi loans free of interest should be given to cultivators for—</p> <p>(1) Reclamation and improvement of damaged lands ;</p> <p>(2) Re-building of house ;</p> <p>(3) Seed and Bullocks ;</p> <p>(4) Repairing communal bands.</p>
27	1	Mr. H. D. Saheba ..	<p>Recommending that tagai loans for the sinking of wells be advanced to cultivators free of interest and that the amount should be received in convenient instalments being not less than fifteen, regard being had to the nature of the crops raised and the extent to which the working of the wells is successful.</p>
28	..	Mr. S. K. Bole ..	<p>Motion for adjournment requesting Government to draw the attention of the Government of India to the grave situation of the Bombay Cotton Textile Industry and the reduction of wages decided on by the Millowners' Association and to urge them to take steps for immediate relief.</p>
			<i>Public Works</i>
29	2	Mr. Hooseinally Rahimtoola.	<p>To give every facility to the Muhammadans of the City of Bombay to perform their Id prayers on the Esplanade Maidan twice a year.</p>
30	1	Moulvi Rafiuddin Ahmed.	<p>Recommending that all ancient Mosques and Mausoleums in the Ahmednagar City and District which are being utilised by Government or by non-Muhammadan bodies by permission of Government for secular purposes be vacated and handed over to the Muhammadan community on condition that they are to be used for the religious purposes for which they were originally erected by their founders and donors.</p>

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		
....	Government accepted parts (1), (2) and (4) of the Resolution but not the proposal to grant loans free of interest for seed and cattle. The grant of takavi for seed and cattle was not recommended by the District Officers and there had been no particular loss of cattle from the floods. It is normally expected that takavi together with interest should be repaid out of the profits of the harvest and there was no argument brought forward in this case which would not apply equally to the granting of interest-free loan everywhere. It was however arranged to meet the worst cases of destitution by free grants.	
30th July 1924 ..	Attention is invited to the orders issued in Government Resolution No. L.—361, dated the 30th June 1925, a copy of which was placed on the Council table.	
30th July 1925 ..	Reports of the debate were forwarded to the Government of India and supported by a representation from the Local Government. As a measure of relief the Cotton Excise duty has been abolished by the Government of India.	
<i>Department</i>		
15th August 1925.	In their memorandum No. L.C.-767-H., dated the 10th September 1925, Government have directed that the necessary facilities should be provided to the Muhammadans. When the use of the Esplanade Maidan is applied for, for Id prayers, the Executive Engineer, Presidency Division, should do the needful in the way of getting the permission of the Commissioner of Police, Bombay, and the military authorities. The Maidan should ordinarily be reserved for Id prayers.	
25th October 1924.	It was decided to hand over the following mosques to the Muhammadan community at Ahmednagar after the necessary buildings are constructed for the offices, etc., at present located therein :— (1) Mosque in the compound of the Collector's bungalow ; (2) Mosque in which the City Police Sub Inspector's office is located ; (3) Soneri Masjid ; (4) Mosque in which the Civil Jail and record office for the District Judge are located ;	

**APPENDIX**

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>Public Works</i>

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		
	<p>(5) Mosque in which the City Magistrate's office and the Collector's vernacular office are located.</p>	
	<p><i>Mosque No. 1.</i>—A partition wall with a gate to give an independent access to the mosque was constructed at a cost of Rs. 790 and the mosque was handed over by the Mamlatdar to the Muhammadan community in January 1926.</p>	
	<p><i>Mosque No. 2.</i>—Plans and estimate, the latter amounting to Rs. 34,800, for constructing a building for (1) providing accommodation for the Sub-Inspector's office at present located in the Mosque (estimated cost Rs. 16,975) and (2) providing accommodation for other offices (estimated cost Rs. 17,825) have been sanctioned. The plans and estimate, the latter amounting to Rs. 2,166 for restoring the mosque to its original use were also received, but have been returned to the Superintending Engineer with certain remarks. The mosque will be handed over to the Muhammadan community when funds become available and the building is ready for occupation.</p>	
	<p><i>Mosque No. 3 (Soneri Masjid).</i>—The plans and estimate, the latter amounting to Rs. 30,557, for constructing quarters for nurses and a store room located in the Soneri Masjid have been prepared, but the work has not been approved by Government owing to financial stringency. It will however be taken in hand when the financial situation improves.</p>	
	<p><i>Mosque No. 4.</i>—Plans and estimate for constructing a building (estimated cost Rs. 61,500) to (1) provide accommodation for the Civil Jail and record office for the District Judge at present located in the Mosque (estimated cost Rs. 35,450) and (2) providing accommodation for other offices (estimated cost Rs. 26,050) were received but are under reference to the Commissioner, Central Division. The mosque will be handed over to the Muhammadan community when the plans and estimates are sanctioned, funds become available and the buildings are ready for occupation.</p>	
	<p><i>Mosque No. 5.</i>—Plans and estimate for constructing a building for the City Magistrate's office and the Collector's vernacular office, etc., at present located in the mosque were received but have been returned to the Superintending Engineer, Central Circle, for revision with certain remarks. The revised plans and estimates are under preparation.</p>	

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Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>Public Works</i>
31	1	Mr. H. M. Rahimtoola.	Recommending that a Committee be appointed to inquire into the cause of the encroachments made by the sea on the Western coast of the Presidency and to suggest measures for the preservation thereof.
			<i>General</i>
32	1	Mr. M. K. Dixit ..	Recommending that the remaining period of supersession of the Surat Municipality be remitted and that the Municipality be restored to the people of Surat forthwith.
33	1	Mr. B. G. Pahalajani.	Surgeon General's draft rules regarding levy of fees in Hospitals and Dispensaries.
34	1	Mr. Abdul Latif Haji Hajrat Khan.	Grants-in-aid to the Maternity and Infant Welfare Organization.



A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—conclld.</i>		
15th August 1925.	In their Resolution, Public Works Department, No. L.C.-539, dated the 27th January 1926, Government have appointed a Committee to enquire into the causes of the encroachments made by the sea and to suggest measures for the prevention thereof. The Committee have up to now held six meetings. One or two more meetings will have to be held before the report of the Committee which is at present under circulation among the members of the Committee is submitted to Government.	
<i>Department</i>		
20th March 1924.	....	The attention of the Honourable Member is invited to Government Resolution, General Department, No. 1707, dated the 27th May 1924 and 8th September 1924, copies of which were supplied to all non-official members of the Legislative Council and also for the Reading Room for the members of the Legislative Council.
14th March 1924.	In pursuance of the Resolution a Committee of official and non-official members was appointed to consider the whole question of Hospital Fee Rules. Revised rules governing the levy of fees in aided Hospitals and Dispensaries in the Bombay Presidency (including the City of Bombay and Aden) were sanctioned in Government Resolution No. 5731, dated the 6th November 1925, as recommended by the Committee. These orders have been communicated to the Press and the Secretary to the Legislative Council for the Reading Room for the members of the Legislative Council.	
20th March 1926.	....	Government have given a very careful consideration to the subject matter of the Resolution

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Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>General</i>
35	1	Moulvi Rafiuddin Ahmed.	Recommending to Government not to purchase coal or any article which is the produce of that part of South Africa which deals unfair treatment to Indians.
36	1	Dr. K. E. Dadachanji.	Scheme of Sanitation and Medical Relief in municipal and rural areas.
37	1	Mr. S. K. Bole ..	Introduction of legislation for provision of maternity benefits to workers in all organized industries.

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>		<p>and while in sympathy with the object referred to have come regretfully to the conclusion that in the existing financial situation such a scheme could not be introduced without reducing other Public Health activities and pending the possibility of special provision for this purpose Government have decided to deal with individual application for grants from welfare organizations on their merits as heretofore so far as funds will allow. A Press Note No. P.-263, dated the 23rd December 1926, on the subject has been published for the information of the public.</p>
20th March 1926 .	All Heads of Government Departments have been informed on 20th May 1926 that in future no South African coal should be tendered for or purchased without the previous sanction of Government.	
4th November 1925.	Individual schemes of sanitation and medical relief are launched from time to time as funds permit. Government provide every year certain expenditure for prevention of epidemic diseases and for the prevention of malaria.	
30th July 1924 . .	The question of introducing legislation of the type mentioned was considered by the Government of India in consultation with Local Governments and the Government of Bombay had also considerable correspondence with the	

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Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>General</i>
38	1	Khan Saheb A. M. Mansuri.	Recommending that there should be in each division of this Presidency at least one Muhammadan Head Master, one Deputy Educational Inspector (in addition to one Urdu Deputy) and three Assistant Deputy Educational Inspectors.
39	6	Khan Saheb A. M. Mansuri.	Recommending that the proposal made by the University Reforms Committee regarding the removal of the Ismail College from Andheri to the Fort should not be given effect to.
40	1	Moulvi Rafiuddin Ahmed.	Recommending that the establishment of a chair in Arabic at the Elphinstone College, Bombay, and Lecturers for Urdu in the Government Arts Colleges at Poona and Bombay and an Arabic teacher in Government Anglo-Urdu High School, Poona.
41	....	Mr. A. N. Surve ..	Recommending that a mixed Committee with non-official majority be appointed to report on certain issues in connection with the proposed adoption of the Sathe-Paranjpye Scheme for the revision of the pay of primary school teachers.

A—*contd.*

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—contd.</i>	Government of India on the subject; ultimately the matter was dropped, as Mr. Joshi's Bill on Maternity Benefits was rejected by the Legislative Assembly.	
15th August 1925.	Orders have been issued to the effect that Government cannot act upon the letter of this resolution but they accept its spirit, i.e., Muhammadans will be appointed as Head Masters and Deputy and Assistant Deputy Educational Inspectors in each division to the extent recommended in the Resolution provided that suitable and qualified Muhammadan candidates are available. Government have since appointed one Muhammadan to the post of Head Master in the Northern Division. ( <i>Vide</i> Government Resolution No. 3841, dated the 7th December 1925 (copy in the Reading Room for the members of the Legislative Council.	
5th November 1925.	Government have already issued orders directing that the Ismail College should not be removed from Andheri to the Fort as recommended by the Committee on University Reforms ( <i>vide</i> Government Resolution No. L.C. - 74, dated the 4th January 1926 (copy in the Reading Room for the members of the Legislative Council.	
14th August 1925.	The question of establishing a chair in Arabic is to be considered in connection with the proposal for staff that may be required for the proposed Arts College at Andheri. Owing to financial stringency it has not been found possible to make any provision for a Lecturer in Urdu at the Deccan College, Poona. As for a Lecturer in Urdu for the Elphinstone College, Government do not consider that there is any necessity for one. As regards the entertainment of an Arabic teacher in the Anglo-Urdu High School, Poona, a temporary post of Arabic teacher on Rs. 60 per mensem has been sanctioned at the School with effect from the current year (1926-27). The post has been sanctioned temporarily because the general question whether the posts of language teachers should be treated as part-time and non-pensionable has been raised and is under consideration.	
15th March 1924.	In accordance with the resolution a Committee was appointed in April 1924 to consider the issues mentioned in Mr. Surve's resolution. The report of the Committee was received by Government in September 1925 and its recommendations were accepted by	

## APPENDIX

Serial No.	Resolution Original No.	Name of the mover	Subject matter of the Resolution
			<i>General</i>
42	..	Mr. S. S. Dev ..	Recommending that primary teachers should be paid according to Sathe-Paranjpye Scheme from March 1926.
43	1	Moulvi Rafiuddin ..	Recommending that all Bills, Press Notes, etc., which at present are translated and published in the <i>Bombay Government Gazette</i> in other vernaculars should also be translated and published in the <i>Bombay Government Gazette</i> in Urdu for the benefit of the Urdu speaking population of the Presidency.
44	1	Mr. S. K. Bole ..	The reduction of discretionary grants in case of those municipalities and local boards which refuse to allow to members of the depressed classes the use of wells, etc., built and maintained out of public funds, etc.,

A—contd.

Date when the resolution was passed by the Council	Action taken	Reasons for not taking action
<i>Department—concld.</i>	Government and the requisite orders issued on the subject in March 1926. Under these orders headmasters' and first assistants' allowances (treated as special pay) according to the increased rates recommended by the Committee instead of the rates originally proposed by Government have been sanctioned ( <i>vide</i> Director of Information's Press Note No. P. 122, dated the 2nd June 1926).	
5th August 1926.	Before the resolution was put to the vote, the Honourable the Minister of Education had made it clear that Government could take no action on it until the Council had voted the extra funds required and also empowered the Government to force local authorities to give the primary school teachers the increased rates of pay. It is not intended, therefore, that effect should be given to the resolution immediately. In the meanwhile information is being collected regarding the extra cost to Government and the local authorities of introducing the Sathe-Paranjpye Scheme.	
18th March 1924.	It has been decided on 8th April 1924 to give effect to this Resolution.	
6th August 1926.	The Commissioners have been requested on 21st September 1926 to invite the attention of local bodies in their charges to this resolution.	

[Appendix A—*contd.*]*Land Revenue Assessment Committee.*

Report of the — Bombay.

## GOVERNMENT OF BOMBAY

## REVENUE DEPARTMENT

Resolution No. 1790/24

Bombay Castle, 13th May 1927

Letter from the Secretary, Land Revenue Assessment Committee, Bombay, No. 1790-B./24, dated 6th October 1926—Submitting the report of the Committee.

RESOLUTION.—The thanks of Government are due to the members of the Committee for their report, and in particular to Sir Lalubhai Samaldas, C.I.E., who at great personal inconvenience officiated as Chairman for some time and gave both his time and his energies unsparingly to the work.

2. The report is not unanimous. Of the twenty-two members only seven have signed it without qualification. The seven official members have appended a joint minute of dissent, and the Commissioner of Settlements, Mr. Anderson, a separate one. Six non-official members have appended joint or separate minutes of dissent, whilst two non-officials, Mr. R. G. Soman and Rao Saheb D. P. Desai, have expressed their inability to sign the report, although they have explained their views at great length in separate notes. The report proper is divided into six chapters, the first five of which are either preliminary or historical, and do not invite comment. The various recommendations of the Committee follow in Chapter 6, and the decisions of Government thereon are contained in the following paragraphs.

3. *Basis of assessment : Paragraph 33 of the Report.*—In the opinion of the official members of the Committee the amendment of section 107 of the Land Revenue Code, as proposed in the main body of the report, will not make the principles of assessment any clearer or more definite than they are at present. They hold that the only way to obtain a satisfactory definition of these principles is to affirm that rental value must be adopted as the basis for fixing the assessment. The bulk of the non-official witnesses and several members of the Committee are of the opinion that the assessment ought to be based on the net profits of cultivation. The members of the Committee were very evenly divided on the subject of how to calculate these profits, and various suggestions were made. It was agreed by a majority of one that it was not possible to define net profits, and that the terms "value of the land" and "profits of agriculture" used in section 107 of the Land Revenue Code were vague. In spite however of the decision that net profits could not be defined, it was then resolved that section 107 be amended as follows :—

"In revising the assessments of land revenue regard shall be had to the profits of cultivation. The Settlement Officer shall take in account the following factors :—

(i) the state of communications during the previous settlements,



[Appendix A—*contd.*]

- (ii) the proximity of markets,
- (iii) the trend of prices,
- (iv) the general economic conditions and history of the tract.
- (v) the results of crop experiments, and
- (vi) rental value.

In order to ascertain the rental value, the real rents paid in open competition by tenants to landlords during five years immediately preceding the revision settlement, excluding years of abnormal prices, shall be taken into consideration."

Government are constrained to remark that this proposal is in fact hardly less vague than the existing section of the Code which it is sought to improve, and that therefore it does little to remove the defect pointed out by the Joint Parliamentary Committee.

After the fullest deliberation Government accept the view of the official members of the Committee, which has since received the weighty support of the Indian Taxation Enquiry Committee's report, that rental value, where it can be ascertained, must be adopted as the sole basis for fixing the assessment, all other considerations being regarded as merely subordinate factors, useful only as explanatory or confirmatory of, or supplementary to, the foregoing factor. Government wish to emphasize that this decision will merely give legal effect to the existing principle upon which Bombay settlements are already based. They accordingly approve the amendment of section 107 of the Code, as proposed by the official members, subject to the modifications that for the words "the rental statistics" in the second sentence of the amended section the words "the data relating to rents" should be substituted, that the words "measured by" in the third sentence should be omitted, and that, in the proviso, for the words "the portion of the rental value due to the said improvement shall be excluded from the assessable rental value" the words "the increase in the rental value of such land due to the said improvement shall not be taken into account in fixing the revised assessment thereof" should be substituted.

4. *Cultivating and non-cultivating landlords: Paragraph 37 of the Report.*—Government agree with the view of the Committee that no distinction should be made between cultivating and non cultivating landlords in fixing the assessment, in order to prevent land passing out of the hands of *bona fide* agriculturists.

5. *Paragraphs 8 and 39 of the Report.*—The Committee were unable to make any recommendation on the question of fixing a maximum percentage of the rental value as the assessment which the State is entitled to take, opinions on the subject varying from 10 to 75 per cent. It was recognized that settlement officers had usually regarded 50 per cent. as the maximum, but that in practice they had rarely, if ever, worked up to it. The Committee however decided by a majority that the assessment should not exceed 25 per cent. of the profits of cultivation, *i.e.*, the gross profits less all the expenses incurred in deriving those profits. Government consider that the views of the Committee on this question are inconsistent with one another. In the case of rental value, which is, generally speaking, a factor which can be determined with a high degree

[Appendix A—*contd.*]

of certainty and accuracy, the report makes no recommendation as to the proportion to be reserved to the State, while in the case of the profits of cultivation, on the other hand, which, as is indicated in the report of the Indian Taxation Enquiry Committee and as is indeed evident, is a factor the determination of which is a difficult, if not impossible, task, the report recommends that the State demand should be limited to a maximum of 25 per cent. The Indian Taxation Enquiry Committee in their discussion on the subject of the rate of assessment, *i.e.*, the percentage of the annual value to be reserved by the State, made no definite recommendation. They appear to have been of opinion, however, that what they refer to as the "standard rate" should approximate in the first instance to the existing percentage. For the ascertainment of the latter, however, they had no sufficient information. But such information as they had pointed to a standard rate of 25 per cent. In so far, however, as their observations can be interpreted as a recommendation in favour of the adoption of this percentage, it should be recollected, first, that the rate which they were discussing was not apparently an absolute maximum, such as is proposed (as applied to "profits of cultivation") in the present Committee's majority report, but a standard, *i.e.*, an average rate, and secondly that their general attitude of predisposition towards a lowering of the standard rate appears to have been largely influenced by the assumption that in future a considerably larger share of the annual value than is at present the case would be taken in the shape of rates for expenditure on local objects. Finally, there is the general consideration that the object of the legislation now proposed, as was indicated by the Joint Parliamentary Committee, is to give legislative sanction to the *existing* principles and practice of land revenue assessment, and there was no suggestion on the part of that body that the passing of such legislation should be made the occasion for any radical departure from such principles and practice. For these reasons the Governor in Council considers that he may appropriately adhere to the present practice of regarding 50 per cent. of the rental value as the maximum limit of the proportion which the State is entitled to take, and that this as a principle should be embodied in the law on the subject. Section 100 of the Land Revenue Code should be amended accordingly.

6. *Paragraph 40 of the Report.*—Government agree with the view of the Committee that Mr. Shivdasani's scheme for fixing a permanent assessment in kind, but recoverable in cash, is unworkable.

7. *Limits of enhancement of assessment : Paragraph 41 of the Report.*—Government note with approval and endorse the views of the Committee contained in this paragraph on the right of the State—

(1) to an increased revenue from the land to meet the growing demands of the country and to maintain the administration on an efficient scale ; and

(2) to take its share in the unearned increment derived from land. They recommend that the limit of enhancement should be reduced from the present limits of 33 per cent. for a taluka or a group of villages, 66 per cent. for a single village and 100 per cent. for an individual

[Appendix A—*contd.*]

holding to a general limit of 25 per cent. in the case of all talukas that have already undergone a second revision. The Governor in Council accepts this recommendation, and section 107 of the Code should be amended accordingly.

8. *Periods of settlement : Paragraph 42 of the Report.*—The Committee propose to leave the existing orders unchanged. Government concur in their opinion as regards the Presidency proper. In view, however, of the economic and other changes that the Lloyd Barrage may bring about in Sind, Government desire to retain a free hand in the matter so far as that Province is concerned.

9. *Exemption of improvements : Paragraph 43 of the Report.*—The report is emphatically of the opinion that the law on this subject should remain as it is. The Governor in Council accepts the Committee's recommendation.

10. *Standing Advisory Committee : Paragraphs 44 and 45 of the Report.*—The non-official members of the Committee strongly recommend that a standing Advisory Committee of the Legislative Council be set up to examine all revision settlement proposals and that, if the recommendations of the Committee on any such proposals are not accepted by Government, the proposals shall not be put into force, unless and until the sanction of the Legislative Council is obtained. The arguments of the official members against this recommendation have been fully set forth in the report, and they have the approval of Government. The Governor in Council regrets that he is unable to recommend to the Government of India the insertion of a clause in the Land Revenue Code to give effect to this suggestion.

11. *Subsoil water rate : Paragraph 47 of the Report.*—The non-official members of the Committee are of opinion that subsoil water shall not be made the subject of assessment and recommend that the practice be discontinued, and that the rates hitherto charged on such water shall be remitted. Government do not consider that the arguments of the official members opposing the abolition of this rate have been successfully met, and they are unable to accept the recommendation.

12. *Himayat assessment : Paragraph 48 of the Report.*—This proposal is entirely outside the Committee's terms of reference, and Government see no valid ground for making any such general enquiry as is proposed.

13. *Paragraph 49 of the Report.*—The point referred to in this paragraph has engaged the attention of the Fallow Rules Committee.

14. *Paragraph 50 of the Report.*—Government accept the Committee's proposal that section 214 of the Land Revenue Code be amended so as to include suspensions and remissions of land revenue and the process of valuation of crops in order to determine suspensions and remissions as matters, the regulations of which may be made by the Governor in Council. The section should be amended accordingly.

15. *Paragraph 51 of the Report.*—In this paragraph the non-official members of the Committee propose that the Settlement Officer shall have the assistance of two representatives of the cultivators elected by

[Appendix A—*contd.*]

the Taluka Local Board in preparing his settlement. Government agree with the arguments of the official members against this proposal, and regret that they cannot see their way to accept it.

16. *Settlement of villages in Sind: Paragraph 52 of the Report.*—Government recently caused a special enquiry to be made with a view to ascertaining the practicability of this proposal. The result of the enquiry was to show that it would be unworkable. Government are not prepared to re-open the question now.

17. In paragraph 36 of the report it is stated that non-agricultural assessments were not referred to in the questionnaire, but that the Committee propose to deal with this question in a supplementary report. Although the Committee were furnished with certain information regarding the law and existing practice in respect to non-agricultural assessments, Government, as at present advised, do not consider that the subject of such assessments can appropriately be dealt with by that body. It is indeed questionable whether, when it made its recommendation in favour of the statutory regulation of land revenue assessments, the Joint Parliamentary Committee had in view assessments other than those on lands held for agricultural purposes. The contrary view would be inconsistent with the reference to the due representation of rural interests, those of the tenantry as well as of the landlords, which appears in that part of the Committee's report in which this recommendation is advanced. In the course of the debate, which preceded the passing of Mr. R. G. Pradhan's resolution, practically no allusions were made to the question of non-agricultural assessments, and it is apparent that the ordinary land revenue settlements of agricultural land were then contemplated as the subject of the proposed enquiry. The question of the principles by which non-agricultural assessments should be governed has recently been the subject of close study at the hands of a number of officers who are specially competent to deal with this technical matter, and Government now have before them ample materials on which to arrive at a decision as to the changes, which it is desirable to introduce into the existing law and practice regulating these assessments. In these circumstances Government do not propose to ask the Committee to reassemble for the purpose of dealing with this subject.

18. The Remembrancer of Legal Affairs should be requested to draft the requisite amendments to sections 100, 107 and 214 of the Land Revenue Code in accordance with the orders conveyed in paragraphs 3, 5, 7 and 14 of this Resolution. If the sanction of the Government of India is given to them, it is the intention of Government to introduce a bill in the Legislative Council to give effect to them at as early a date as possible.

By order of the Governor in Council,

J. W. SMYTH,  
Secretary to Government.

G. R. No. 1790/24, R. D., dated the 13th May 1927.

[Appendix A—*contd.*]

To

The Commissioner in Sind,  
 The Commissioners of Divisions,  
 All Collectors, including the Deputy Commissioner, Upper Sind Frontier,  
 The Commissioner of Settlements,  
 All Superintending Engineers in the Presidency proper, including the Superintending Engineer for Deccan Irrigation Circle,  
 The Chief Engineer in Sind,  
 The Director of Agriculture,  
 The Legal Department,  
 The Remembrancer of Legal Affairs,  
 The Finance Department,  
 The Public Works Department,  
 The Secretary to Government. Finance Department  
 The Joint Secretary to Government, Public Works Department.  
 Sir Lalubhai Samaldas, C.I.E.,  
 Mr. G. A. Thomas, C.I.E., I.C.S.,  
 Khan Bahadur Shah Nawaz Khan Ghulam Murtaza Bhutto, C.I.E., O.B.E., M.L.C.,  
 Mr. Mahomed Ayub Shah Mahomed Khuhro, M.L.C.,  
 Syed Muhammad Kamil Shah, M.L.C.,  
 Rao Saheb D. P. Desai, M.L.C.,  
 Mr. H. B. Shivdasani, M.L.C.,  
 Mr. R. G. Pradhan, M.L.C.,  
 Mr. Lalji Naranji, M.L.C.,  
 Moulvi Rafiuddin Ahmed, M.L.C.,  
 Sardar G. N. Mujumdar, M.L.C.,  
 Mr. D. R. Patil, M.L.C.,  
 Mr. R. D. Shinde,  
 Mr. B. K. Dalvi,  
 Khan Bahadur Ismail Saheb Madar Saheb Bedrekar,  
 Mr. R. G. Soman.

[Appendix A—*contd.*]

**REVENUE DEPARTMENT**

Bombay Castle, 26th May 1925

No. 214/24.—In exercise of the powers conferred by sub-section (4) of section 1 of the Mussalman Wakf Act, 1923 (XLII of 1923), the Government of Bombay is pleased to direct that the provisions of sections 2 to 13 of the said Act shall come into force in the Presidency of Bombay, including Sind, with effect from the 1st June 1925.

By order of the Government of Bombay (Transferred Departments),

G. A. THOMAS,  
Secretary to Government.

Bombay Castle, 26th May 1925

No. 214 (a)/24.—In exercise of the powers conferred by section 13 of the Mussalman Wakf Act, 1923 (XLII of 1923), the Government of Bombay is pleased to exempt from the operation of the said Act for a period of three years or pending further orders, any wakf or wakfs created or administered for the benefit of the Dawoodi Borah section of the Mussalman community.

By order of the Government of Bombay (Transferred Departments),

G. A. THOMAS,  
Secretary to Government.

Bombay Castle, 13th August 1926

No. 214/24.—In modification of Government Notification, Revenue Department, No. 214/24 dated 26th May 1925, the Government of Bombay is pleased to fix 19th August 1926 as the date from which the provisions of sections 2 to 13 of the Mussalman Wakf Act, 1923 (XLII of 1923), shall come into force in the Presidency of Bombay, including Sind.

By order of the Government of Bombay (Transferred Departments),

G. A. THOMAS,  
Chief Secretary to Government.

[Appendix A—contd.]

*Crops.*

Report of the Committee appointed to consider the best method of fixing the anna valuation of —.

GOVERNMENT OF BOMBAY

REVENUE DEPARTMENT

Resolution No. L.C.—1145-B

Bombay Castle, 24th June 1927

Letter from the Secretary, Anna Valuation Committee, No. A.V.C., dated 3rd September 1926—Submitting the report\* of the Committee appointed by Government in their Press Note No. L.C.—1145-B., dated 28th June 1924.

RESOLUTION.—The report is a majority one. Of the eleven members, Messrs. Pratt and Anderson were unable to sign it, as the former had retired from service and the latter was on leave out of India. Two members, Mr. H. L. Painter, I.C.S., and the Thakor Sahib of Amod, have appended minutes of dissent. The thanks of Government are due to the members of the Committee for the care with which they have conducted the enquiry and formulated their recommendations.

2. Paragraphs 1 to 5 of the report do not call for comment. The Committee's main recommendations are contained in paragraphs 6 to 11.

3. *Paragraphs 6 and 7.*—In his dissenting minute of 26th January 1926 the Thakor Sahib of Amod states his objections to the procedure proposed in paragraph 6 for the valuation of crops, and suggests that an advisory committee consisting of agriculturists and inamdars and presided over by the Mamlatdar would be more suitable. Government regret that it is now too late to consider the Thakor Sahib's suggestion, which should have been brought before the Committee. They approve the procedure suggested by the Committee in paragraph 6, with the reservation that clauses (i) and (ii) of it should be amalgamated, the subsequent clauses being renumbered.

In his dissenting minute Mr. Painter proposes to exclude paragraph 7, as he considers that sufficient publicity is already provided for in paragraph 6 (ix). Government agree with Mr. Painter and consider that it will be enough if the procedure laid down in paragraph 6 is amplified by so much of the proposals in paragraph 7 as relate to the submission and consideration of petitions of objections against the valuations published under (ix).

The form of procedure as thus revised and approved by Government will be as follows:—

“6. (i) A Committee shall be formed for every village for which an anna valuation is to be prepared consisting of the Circle Inspector

\* Printed as an appendix to this Resolution.

[Appendix A—*contd.*]

(as Chairman), the Talati or Kulkarni, the officiating Revenue Patil and two representative agriculturists selected by the Circle Inspector.

(ii) The Circle Inspector shall give not less than three clear days' notice of his visit to the village.

(iii) The Committee shall meet in the month preceding the harvesting of the main crops of the village and record its opinion as to what the anna valuation should be for each of them.

(iv) This opinion shall be signed by each member of the Committee. If the Committee is not unanimous, each member shall record his opinion over his own signature or mark.

(v) The opinion or opinions thus recorded shall be forwarded by the Circle Inspector to the Mamlatdar, who shall proceed to make a provisional decision.

(vi) The Mamlatdar shall fix a date by which the opinion or opinions referred to in section (v) above shall reach him.

(vii) If the opinion or opinions are not received by the date fixed by the Mamlatdar, he shall make his provisional decision on such other data as may be available.

(viii) The Mamlatdar shall publish his provisional decisions in the taluka kacheri and in the chawdis of all the villages concerned.

(ix) Any objection to the provisional decision of the Mamlatdar shall be made within 15 days from the date of its publication in the taluka kacheri or chawdis, and all objections which have been submitted to his superior officers, whether in person or by petition, shall be taken into account by the Mamlatdar, before he makes his final decision.

(x) Unless the Mamlatdar, on a consideration of the objections presented or for any other reason, sees fit to amend his provisional decision, such decision shall stand as his final decision. In any case where he amends his provisional decision, the amended decision shall be published in the same manner as the provisional decision.

(xi) The Mamlatdar's decision, if revised by the Collector, shall be similarly published in the taluka kacheri and the chawdis.

(xii) The Collector may select any field in any village of the taluka for a crop test with a view to checking the accuracy of any anna valuation.

It must, however, be understood that for the purposes of the suspension of land revenue annewari valuations are required only in seasons below the average or, in good seasons, when there are suspended arrears of revenue to be collected.

4. *Paragraph 8.*—In his dissenting minute Mr. Painter objects to the whole of this paragraph except the first sentence. Government consider, however, that the Committee's recommendations (a) and (b) are intended simply to determine the standard to be applied. The statistics referred to indicate nothing more than what is to be regarded as the average quantitative outturn of land of average classification in the village. Then, this standard having been determined, the valuer, by making quantitative estimates of the actual outturn for a number of particular fields of average classification, will be in a position to determine what ratio the average outturn of the season bears to the outturn of a normal



[Appendix A—*contd.*]

season, or, in other words, whether the crops should be valued at say 12, or 8 or 6 annas. On this understanding Government accept the Committee's recommendations.

5. *Paragraph 9.*—The Committee recommends that the number of rain gauge stations should be increased. Government will give effect to this recommendation as funds permit.

6. *Paragraph 10.*—Government endorse the opinion of the Committee and are considering proposals for the conduct of a series of crop experiments.

7. *Paragraph 11.*—Government agree with this proposal and will take steps to carry it into effect as soon as possible

By order of the Governor in Council,

A. E. SERVAI,

Acting Deputy Secretary to Government.

G. R. No. L. C.—1145-B., R. D., dated the 24th June 1927.

To

The Commissioner in Sind,  
The Commissioners of Divisions,  
All Collectors in the Presidency proper.  
The Commissioner of Settlements and Director of Land Records,  
The Settlement Commissioner and Director of Land Records,  
Bombay Suburban Division,  
The Director of Agriculture,  
The Director of Information (by memorandum),  
The Finance Department,  
Mr. F. G. Pratt, C.S.I., I.C.S. (Retired),  
Mr. L. J. Mountford, C.B.E., I.C.S. (Retired),  
Mr. H. L. Painter, I.C.S.,  
Mr. F. G. H. Anderson, I.C.S.  
Mr. G. A. Thomas, C.I.E., I.C.S.,  
Rao Bahadur P. C. Patil,  
Mr. N. E. Navle, M.L.C.,  
Mr. Shankarrao Jayaramrao Zunjarrao, M.L.C.,  
Mr. S. T. Kambli, M.L.C.,  
Mr. L. S. Chaudhari,  
Sardar Naharsinghji Ishwarsinghji, Thakor Saheb of Amod,  
Khan Bahadur Ismail Saheb Madarsaheb Bedrekar.

*Appendix to the Government Resolution, Revenue Department,*

*No. L.C.—1145-B., dated 24th June 1927*

REPORT OF THE ANNEWARI COMMITTEE

This Committee was appointed by Government in pursuance of the following resolution moved by Mr. Navle and carried at a meeting of the Legislative Council held on 20th March 1924 :—

This Council recommends to the Governor in Council that a mixed committee of official and non-official members of this Council, with a

[Appendix A—*contd.*]

non-official majority, be appointed to consider the most suitable method or methods of fixing the anna valuation of crops.

2. The Committee sat on the 24th and 31st July 1924 and on the 12th March 1925. It now presents to Government the recommendations embodied in the following paragraphs.

3. The Committee has given its careful consideration to the alleged defects in the present system, the chief of which are that an insufficient number of fields are examined by the revenue officers to enable them to arrive at fair conclusions, that the opinions of the agriculturists themselves are not taken sufficiently into consideration and that the original estimates framed by the subordinate revenue officials, the Talatis and Circle Inspectors, are too frequently enhanced by the higher officials. In order to remove these defects the honourable mover of the resolution, which gave rise to this Committee, laid before it a scheme, the principal feature of which was that the crop valuation should in the first instance be done by a small committee, consisting of the Circle Inspector, the Patil, the Talati (or Kulkarni) and two local agriculturists, whose opinion, if unanimous, should be accepted as final. In the event of a difference of opinion the scheme proposed that the matter should be referred to another committee, composed of the Mamlatdar, the President and Vice-President of the Taluka Local Board. In the event of a further disagreement, it was proposed that the matter should be referred to a third committee, consisting of the Collector and the local Member of the Legislative Council representing the rural area concerned and the President of the District Local Board.

4. After a careful consideration of this scheme the Committee has found itself unable to recommend its adoption on the main ground that it did not provide sufficiently for the control and supervision of the higher revenue officers, that the procedure proposed was unworkable by reason of its elaborate formality and delays, and that it would place the responsibility on persons imperfectly qualified for such a task owing both to a lack of experience or training and to personal bias. The Committee as a whole is of the opinion that it is of the utmost importance to enlist the advice and co-operation of the agriculturists themselves in the earlier stages of the process of anna valuation, but in view of the short space of time, in which it is possible to frame an estimate, which can only be done when the crops are standing and the season of harvesting approaching, it is quite impracticable to adopt any elaborate system of check and countercheck. In order to arrive at fair conclusions within the brief time available a simple system of valuation is absolutely inevitable.

5. A considerable difference of opinion exists on the question of the number of villages that should be examined at the time of making the valuation. A detailed examination of each and every village in an area in which the seasonal conditions render an anna valuation necessary is not, the Committee thinks, within the range of practical politics. The Committee has therefore considered whether it would not be feasible to divide each taluka into homogeneous groups on the basis of the season's rainfall and to select in each group one village in which to hold a

[Appendix A—*contd.*]

detailed examination of the main crops. There is in the view of the Committee much to recommend this proposal, provided that the actual division of a taluka into homogeneous groups and the selection of villages within the groups be placed in the hands of a Committee, the majority of whose members are selected by the agriculturists from among their own numbers. The main objection to this proposal is that there would be a danger of wrong grouping, which would vitiate the whole valuation. There would also be a danger of the wrong selection of a village as typical with the result that the group valuation might be either too high or too low. In these circumstances the Committee thinks it would be preferable to continue the present system, under which as many villages as possible in each affected area are examined by the revenue officers. The Committee, however, attaches the greatest importance to these officers acting in much closer co-operation than at present with the local agriculturists, and to make this possible it makes the following specific recommendations to Government and strongly urges their adoption.

6. (i) That the Circle Inspector should be assisted by two representative agriculturists in each village for which he prepares an anna valuation.

(ii) That a Committee be formed for each of these villages, consisting of the Circle Inspector himself (as Chairman), those two representative agriculturists, the officiating Patil and the Talati (or Kulkarni).

(iii) That the Circle Inspector shall give not less than three clear days' notice of his visit.

(iv) That the Committee shall meet in the month preceding the harvesting of the main crops of a village and record its opinion as to what the anna valuation should be for each of the main crops.

(v) That this opinion shall be signed by each member of the Committee. If the Committee is not unanimous, each member shall record his opinion over his own signature or mark.

(vi) That the opinion shall be forwarded by the Circle Inspector to the Mamlatdar, who shall proceed to make a decision.

(vii) That the Mamlatdar shall fix a date by which the opinion must reach him.

(viii) That if the opinion is not received by the date fixed by the Mamlatdar, he shall make his decision on such other data as may be available.

(ix) That the Mamlatdar shall publish his decision in the taluka kacheri and in the chawdis of all villages concerned.

(x) That the Mamlatdar's decision shall be subject to revision by his superior officers.

(xi) That if his decision be revised by his superior officers, the revised decision shall be similarly published.

(xii) That the Collector may select any field in any village of the taluka for a crop test with a view to checking the accuracy of any anna valuation.

It must, however, be understood that for the purposes of the suspension of land revenue annewari valuations are only required in seasons below the average or, in good seasons, when there are suspended arrears of revenue to be collected.

[Appendix A—*contd.*]

7. The Committee is further of the opinion that wider publicity than at present should be given to the proposed valuation to enable objections to be recorded and considered before final orders are passed. It therefore recommends that a provisional annewari valuation should be published by the Collector for every village in which such valuation is made at least one month before the date fixed for the collection of the first instalment of the assessment, kharif or rabi, as the case may be. This valuation should be published in the taluka kacheri and also in the chawdi or school of every village concerned, or, where there is neither chawdi nor school, in some other conspicuous place. Any objection against the valuation should be made within 15 days from the date of publication in the taluka kacheri and all objections submitted to the Collector, whether in person or by petition, should be taken into account by him before he passes final orders. The Committee does not think it necessary to publish the provisional valuation in the Taluka Local Board office as well, but recommends that a copy should be supplied by the Collector to any Taluka Local Board applying for one.

8. As regards the method of valuation the Committee does not think it possible to lay down any formal directions for the guidance of the village committee, as it recognises that the non-official members of such committee will rarely be in a position to apply any technical formulæ but must base their valuation almost entirely upon their practical experience. At the same time the Committee thinks that it would be advantageous to lay down certain principles for the guidance of the several officials responsible for the annewari valuation. It has therefore decided to recommend to Government the acceptance of the joint proposals made by the Commissioners, including the Settlement Commissioner and the Director of Agriculture, in their letter to Government No. C.N.R.—102, dated 20th December 1923, in which letter it was suggested that the procedure for ascertaining the valuation of any particular crop should be:—

(a) To ascertain the average classification value of the total area of land in a village under that crop, which can easily be found by comparing the average acre assessment of that land with the maximum rate;

(b) To work out from the taluka table the number of pounds in a 12-anna crop or land of that classification.

*Note.*—The tables are made for 12-anna soil. Therefore if the average classification value is 6 annas and the table shows 1,500 lbs. as the normal 12-anna crop, then the normal crop for the soil in that village would be 750 lbs. per acre. In cases in which the average classification value works out to more than 12 annas the yield in pounds for lands of such classification can be worked out from the figures in the taluka tables. Thus if the average classification value is, say, 15 annas and the table shows 1,500 lbs. as the normal 12-anna crop, then the normal crop for the 15-anna soil should be taken as 1,875 lbs. per acre; and

[Appendix A—*contd.*]

(c) To make local inquiry and observation while the crops are still standing and record a definite opinion as to the average acre outturn in the village of the particular crop under consideration, which opinion must be based on his own estimate of the actual outturn on various fields which he has himself seen or tested.

9. The Committee is of opinion that the present number of rain gauges per taluka is insufficient for the purpose of estimating the rainfall in each group of villages. It therefore recommends that the number be substantially increased so that each homogeneous tract in a taluka should possess its own gauge.

10. The question of crop experiments is another matter to which the Committee has given close attention. It understands that a scheme is being prepared for the creation of a special establishment of expert agricultural officers for the purpose of—

(a) examining and analysing the official records of crop experiments in order to co-relate the information contained therein with the information regarding the nature of the season in which the experiments were made and the classification value of the soil, and

(b) making a series of fresh experiments in order to ascertain the standard crop in fairly good year on land of each classification value. To this scheme the Committee gives its unqualified and unanimous support in the belief that the figures of output that would be obtained by the proposed examination and analysis would serve as a most valuable check on the present official statistics of standard output, and that if the results of the new crop experiments suggested were compared with the Agricultural Department's tables of the yield in lbs. per acre, they would in course of time enable Government to verify the anna valuations of their revenue officers.

11. Finally the Committee recommends that the agricultural standards in the Agricultural Department should be re-investigated with a view to revision over the whole Presidency, especially in precarious tracts.

L. J. MOUNTFORD.

\* H. I. PAINTER.

P. C. PATIL.

N. E. NAVLE.

L. S. CHAUDHARI.

SHANKARRAO JAYARAMRAO ZUN-  
JARRAO.

S. T. KAMBLI.

\* NAHARSINGHI ISHWARSINGHI  
THAKOR OF AMOD.

ISMAIL SAHEB MADARSAHEB  
BEDREKAR.

\* Subject to minutes of dissent.

*Note.*—Messrs. F. G. Pratt and F. G. H. Anderson were unable to sign the Report, as the former had retired from service and the latter was on leave out of India.

[Appendix A—*contd.*]

*Minute of dissent by Mr. H. L. Painter*

Explanatory note regarding my desire to exclude from the Report, paragraph 7.

I fail to see that this recommendation will have the effect of producing the wider publicity which is its avowed object; sufficient publicity is already provided for in paragraph 6 (*ix*). Apart from this there will be two valuations, *viz.*, the Mamlatdar's and the Collector's provisional, which may well be conflicting, since the latter would not, apparently, be based on the former. Further, so early a provisional valuation of the kind contemplated could only be of the roughest possible type—far removed from the accuracy which these recommendations aim at—and would in practice only be adhered to by chance.

Explanatory note regarding my desire to exclude from the Report the matter in paragraph 8 beginning with "At the same time....." and ending with "himself seen or tested."

1. (*a*) can be done.—Having done it the officer will know that the land under a particular crop in a particular village bears an average classification value of so many bhag annas.

2. (*b*) can be done.—By doing it the officer will deduce that the outturn of the crop referred to in (*a*) would be so many pounds per acre if that crop were a normal (or 12-anna) crop.

3. (*c*) is the current practice, with "outturn" expressed in pounds per acre instead of in so many annas as against a 12-anna "normal," the latter being converted into terms of the former by reference to the table used in (*b*).

4. Thus (*a*) and (*b*) lead to one thing, and (*c*) leads to another thing. The first thing is a statistical fact: the second is, as it always has been, an estimate based on observations. To call the arithmetical exercise leading to the first together with the observations leading to the second "a procedure" is absurd, because there is no concatenation whatever between them; the mere lumping of them together cannot produce it.

5. The correctness of the estimate (*c*) will not be more capable than the old anna estimate of immediate verification by reason of it being expressed in pounds per acre instead of in annas, since the actual outturn in pounds of the whole crop can never be known.

(The accuracy of an estimate could be checked by crop experiments conducted locally in the same season. But no such experiments are contemplated in the "procedure," and rightly so, since in any case the result of the experiments and the consequent justification (or otherwise) of the estimate would come months after the practical result of the acceptance of the estimate, *viz.*, the Collector's orders regarding collection of Land Revenue, had been given effect to.)

6. The result of this proposed "procedure" thus leaves us precisely as we were; all we have done is to introduce a lot of abstract symbols and to emerge from our intricate equation with the discovery that  $X = X$ !

H. L. PAINTER,

Commissioner, N. D.

8th January 1926.

[Appendix A—contd.]

*Minutes of dissent by the Thakor Soheb of Amod*

I may add that the proposals should be considered experimental ones. Let us see how it works and by experience the matter will be settled in its own way. Whatever the annewari is estimated, it is after all an estimation made by ordinary people and it could not be exactly what is the desire of the mover. Until there is a share system no exact valuation and estimation could be made; and I do not think that the present system is absolutely bad.

I may request that in inami and talukdari villages care should be taken that the proprietors may not find causes for complaints in fixing the annewari whenever such need arises.

30th December 1925.

NAHARSINGHJI,  
Thakor of Amod.

I have gone through the report and I am sorry to express my disapproval, for matter would be worse from bad. To form a committee of Circle Inspector and a few agriculturists will not serve the purpose with any advantage, but on the contrary chances are that more mischiefs will be played to the disadvantage both to Government and the public.

I think if an advisory committee may be constituted of, from agriculturists and inamdars headed by the Mamlatdar, it will serve the purpose alright. If the committee comes to unanimous conclusion, the matter will be settled or in case any disagreement arises the matter will be finally settled by sub-divisional officer and the Collector after mutual consideration. Moreover, it will be advisable to see that the final order of the Collector is issued 15 clear days before the date of instalment, and the tenants may be given 15 clear days, before the final order of the Collector, to advance their grievances if there may be any.

26th January 1926.

NAHARSINGHJI,  
Thakor of Amod.

[Appendix A—*contd.*]

*Committees.*

Appointment of a committee to enquire into the grievances of the ryots with regard to forest matters.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. L.C.—1374.

Bombay Castle, 26th January 1925.

Memorandum from the Secretary, Bombay Legislative Council, No. 2642 dated 13th August 1924—Stating that Resolution No. 2 moved by Mr. D. R. Patil was passed in the following amended form at the meeting of the Legislative Council held on 30th July 1924 :—

“ This Council recommends to Government to appoint a committee to visit important forest areas and to enquire into the grievances of the ryots with regard to forest matters and to submit suggestions for the consideration of Government. ”

RESOLUTION. — In order to give effect to the recommendation conveyed in Mr. Patil's Resolution Government are pleased to appoint a Committee composed of the following gentlemen :—

*Chairman*

Mr. A. G. Edie, Chief Conservator of Forests, Bombay Presidency.

*Members*

Mr. D. R. Patil, M.L.C.

Mr. S. S. Dev, M.L.C.

Mr. M. D. Karki, M.L.C.

Dr. K. E. Dadachanji, M.L.C.

Mr. Abdul Latiff Haji Hajrat Khau, M.L.C.

In addition to the above gentlemen the Conservator of the Circle to be visited should be appointed a member of the Committee. The Committee is empowered to visit important forests situated in the Presidency proper and to enquire into the grievances of the ryots with regard to forest matters and to submit suggestions for the consideration of Government. Government desire that the proceedings of the Committee should be of an informal nature and that no formal evidence should be recorded. The report should be submitted to Government at an early date.

2. For the discharge of its functions the Committee is authorised to consult official and non-official gentlemen and call for the necessary information from the former.

3. The non-official members of the Committee should be granted travelling and daily allowances at first class rates. The Chief



[Appendix A—*contd.*]

Conservator should be requested to report immediately the expenditure likely to be incurred during the current and the ensuing years.

4. The Secretary to the Legislative Council should be requested to place a copy of these orders on the Council Table for the information of the members of the Council.

By order of the Government of Bombay  
(Transferred Departments),

H. K. KIRPALANI,  
Deputy Secretary to Government.

To

The Commissioner in Sind,  
The Commissioners of Divisions,  
All Collectors in the Presidency  
proper,  
The Chief Conservator of Forests,  
Bombay Presidency,  
All Conservators of Forests,  
The Director of Agriculture,  
The Director of Information,  
The Secretary, Legislative  
Council,

The Private Secretary to His  
Excellency the Governor,  
The Accountant General,  
The Finance Department,  
D. R. Patil, Esquire, M.L.C.,  
S. S. Dev, Esquire, M.L.C.,  
M. D. Karki, Esquire, M.L.C.,  
Dr. K. E. Dadachanji, M.L.C.,  
Abdul Latiff Haji Hajrat Khan,  
Esquire, M.L.C.

[Appendix A—*contd.*]

With the compliments of the  
Director of Information, Bombay.

No. P.—83/14/5/1927

At the meeting of the Legislative Council held on March 17th, 1927, the following Resolution proposed by Rao Bahadur R. R. Kale as amended by the amendments of Mr. Pataskar and Mr. R. G. Pradhan was carried by a majority :—

“ This Council reaffirming the principle of the resolution as amended and carried by it by a majority on the 15th March 1924, recommends to the Governor in Council that he will be pleased to give immediate effect to it by introducing the necessary legislation after taking into consideration the report, the minutes of dissent and suggestions of the members of the Land Revenue Assessment Committee and making provision for giving retrospective effect to such legislation in view of the fact that in many cases new revision settlements were proceeded with and new rates introduced after the resolution of 15th March, and pending such legislation to issue orders to the revenue authorities concerned not to collect the assessment enhanced in revision after 15th March 1924. ”

In his speech on the debate the Honourable the Revenue Member explained that the attitude of Government towards the original Resolution might have been somewhat different, if the mover had not accepted the amendment that the collection of any assessments enhanced in settlements revised since March 15th, 1924, should cease, but that in consequence of the acceptance of the amendment Government were unable to accept the Resolution.

Government have now completed their consideration of the report of the Land Revenue Assessment Committee, and they desire to emphasize the fact that the recommendations of the majority report with one exception include no proposal involving any radical departure from existing practice in respect to the principles of land revenue assessment. The exception referred to is the recommendation which would have the effect of restricting to a maximum limit of 25 per cent. the proportion of the State share in the profits of cultivation. Government are unable to accept this recommendation. Consequently in the legislation which they propose to introduce to give effect to the decisions which they have reached on the Committee's report, they see no necessity to include a provision giving it retrospective effect.

Government desire to make it clear that the effect of this decision is that the collections of the assessments enhanced in settlements revised since March 15th, 1924, will not be suspended, and that they propose to repeat the procedure of last year and to introduce in the current revenue year those revised settlements which are due to come into force in the revenue year 1927-28.

The Bill to amend the Land Revenue Code is now being drafted, and will be introduced in the Legislative Council after it has been submitted to the Government of India and received their sanction.





